Page 1	Page 3
rage 1	_
UNITED STATES DISTRICT COURT	1 B. FINKELSTEIN
EASTERN DISTRICT OF NEW YORK	2
X	3 FEDERAL STIPULATIONS
:2:19-CV-07271	4
MARIA SUAREZ, :	5 IT IS HEREBY STIPULATED AND AGREED
Plaintiff,	6 by and between the attorneys for the
:	7 respective parties herein, that filing
-against-	8 and sealing be and the same are hereby
: SOUTHERN GLAZER'S WINE AND SPIRITS	9 waived.
OF NEW YORK, LLC, :	10
Defendant. :	11 IT IS FURTHER STIPULATED AND AGREED
х	that all objections, except as to the form
200 Broadhollow Road Melville, New York 11747	of the question, shall be reserved to the
Mervine, New Tork 11/4/	time of the trial.
November 1, 2022	15
10:10 a.m.	
	16 IT IS FURTHER STIPULATED AND AGREED
	that the within deposition may be sworn to
	and signed before any officer authorized to
	19 administer an oath, with the same force and
EXAMINATION BEFORE TRIAL of SOUTHERN GLAZER'S WINE	20 effect as if signed and sworn to before the
AND SPIRITS OF NEW YORK, LLC, the Defendant herein, by BARRY FINKELSTEIN, taken by the	21 Court.
Plaintiff and the Defendant, pursuant to Order,	22
before a Stenotype Reporter and Notary Public	23
within and for the State of New York.	24
	25
Page 2	Page 4
1 B. FINKELSTEIN	1
2	2 B. FINKELSTEIN
APPEARANCES:	
3	3 BARRY FINKELSTEIN, after
3 4 MOSER I AWEIRM P.C.	, , , , , , , , , , , , , , , , , , , ,
4 MOSER LAW FIRM, P.C.	4 first having been duly sworn by David P. Yuni, a
	first having been duly sworn by David P. Yuni, a Stenotype Reporter and Notary Public in and for
4 MOSER LAW FIRM, P.C. Attorneys for Plaintiff	first having been duly sworn by David P. Yuni, a Stenotype Reporter and Notary Public in and for the State of New York, was examined and testified
4 MOSER LAW FIRM, P.C. Attorneys for Plaintiff 5 5 East Main Street Huntington, New York 11743 6	first having been duly sworn by David P. Yuni, a Stenotype Reporter and Notary Public in and for the State of New York, was examined and testified as follows:
4 MOSER LAW FIRM, P.C. Attorneys for Plaintiff 5 5 East Main Street Huntington, New York 11743 6 BY: STEVEN J. MOSER, ESQ.	first having been duly sworn by David P. Yuni, a Stenotype Reporter and Notary Public in and for the State of New York, was examined and testified as follows: EXAMINATION BY
4 MOSER LAW FIRM, P.C. Attorneys for Plaintiff 5 5 East Main Street Huntington, New York 11743 6 BY: STEVEN J. MOSER, ESQ. 7	first having been duly sworn by David P. Yuni, a Stenotype Reporter and Notary Public in and for the State of New York, was examined and testified as follows: EXAMINATION BY MR. MOSER:
4 MOSER LAW FIRM, P.C. Attorneys for Plaintiff 5 5 East Main Street Huntington, New York 11743 6 BY: STEVEN J. MOSER, ESQ. 7 8	first having been duly sworn by David P. Yuni, a Stenotype Reporter and Notary Public in and for the State of New York, was examined and testified as follows: EXAMINATION BY MR. MOSER: Q State your name for the record.
4 MOSER LAW FIRM, P.C. Attorneys for Plaintiff 5 5 East Main Street Huntington, New York 11743 6 BY: STEVEN J. MOSER, ESQ. 7 8 CONSTANGY, BROOKS, SMITH, AND PROPHETE, LLP	first having been duly sworn by David P. Yuni, a Stenotype Reporter and Notary Public in and for the State of New York, was examined and testified as follows: EXAMINATION BY MR. MOSER: Q State your name for the record. A Barry Finkelstein.
4 MOSER LAW FIRM, P.C. Attorneys for Plaintiff 5 5 East Main Street Huntington, New York 11743 6 BY: STEVEN J. MOSER, ESQ. 7 8 CONSTANGY, BROOKS, SMITH, AND PROPHETE, LLP	first having been duly sworn by David P. Yuni, a Stenotype Reporter and Notary Public in and for the State of New York, was examined and testified as follows: EXAMINATION BY MR. MOSER: Q State your name for the record. A Barry Finkelstein. Q What is your current address?
4 MOSER LAW FIRM, P.C. Attorneys for Plaintiff 5 East Main Street Huntington, New York 11743 6 BY: STEVEN J. MOSER, ESQ. 7 8 CONSTANGY, BROOKS, SMITH, AND PROPHETE, LLP 9 Attorneys for Defendant 101 Sixth Avenue 10 New York, New York 10013	first having been duly sworn by David P. Yuni, a Stenotype Reporter and Notary Public in and for the State of New York, was examined and testified as follows: EXAMINATION BY MR. MOSER: Q State your name for the record. A Barry Finkelstein. Q What is your current address? A 345 Underhill Boulevard, Syosset, New
4 MOSER LAW FIRM, P.C. Attorneys for Plaintiff 5 5 East Main Street Huntington, New York 11743 6 BY: STEVEN J. MOSER, ESQ. 7 8 CONSTANGY, BROOKS, SMITH, AND PROPHETE, LLP 9 Attorneys for Defendant 101 Sixth Avenue 10 New York, New York 10013 11 BY: ANGANETTE CABRERA, ESQ.	first having been duly sworn by David P. Yuni, a Stenotype Reporter and Notary Public in and for the State of New York, was examined and testified as follows: EXAMINATION BY MR. MOSER: Q State your name for the record. A Barry Finkelstein. Q What is your current address?
4 MOSER LAW FIRM, P.C. Attorneys for Plaintiff 5 5 East Main Street Huntington, New York 11743 6 BY: STEVEN J. MOSER, ESQ. 7 8 CONSTANGY, BROOKS, SMITH, AND PROPHETE, LLP 9 Attorneys for Defendant 101 Sixth Avenue 10 New York, New York 10013 11 BY: ANGANETTE CABRERA, ESQ.	first having been duly sworn by David P. Yuni, a Stenotype Reporter and Notary Public in and for the State of New York, was examined and testified as follows: EXAMINATION BY MR. MOSER: Q State your name for the record. A Barry Finkelstein. Q What is your current address? A 345 Underhill Boulevard, Syosset, New
4 MOSER LAW FIRM, P.C. Attorneys for Plaintiff 5 5 East Main Street Huntington, New York 11743 6 BY: STEVEN J. MOSER, ESQ. 7 8 CONSTANGY, BROOKS, SMITH, AND PROPHETE, LLP 9 Attorneys for Defendant 101 Sixth Avenue 10 New York, New York 10013 11 BY: ANGANETTE CABRERA, ESQ.	first having been duly sworn by David P. Yuni, a Stenotype Reporter and Notary Public in and for the State of New York, was examined and testified as follows: EXAMINATION BY MR. MOSER: Q State your name for the record. A Barry Finkelstein. Q What is your current address? A 345 Underhill Boulevard, Syosset, New York 11791.
4 MOSER LAW FIRM, P.C. Attorneys for Plaintiff 5 5 East Main Street Huntington, New York 11743 6 BY: STEVEN J. MOSER, ESQ. 7 8 CONSTANGY, BROOKS, SMITH, AND PROPHETE, LLP 9 Attorneys for Defendant 101 Sixth Avenue 10 New York, New York 10013 11 BY: ANGANETTE CABRERA, ESQ. 12 13 14	first having been duly sworn by David P. Yuni, a Stenotype Reporter and Notary Public in and for the State of New York, was examined and testified as follows: EXAMINATION BY MR. MOSER: Q State your name for the record. A Barry Finkelstein. Q What is your current address? A 345 Underhill Boulevard, Syosset, New York 11791. Q Good morning Mr. Finkelstein. I am Steven Moser, an attorney, and I represent Maria
4 MOSER LAW FIRM, P.C. Attorneys for Plaintiff 5 5 East Main Street Huntington, New York 11743 6 BY: STEVEN J. MOSER, ESQ. 7 8 CONSTANGY, BROOKS, SMITH, AND PROPHETE, LLP 9 Attorneys for Defendant 101 Sixth Avenue 10 New York, New York 10013 11 BY: ANGANETTE CABRERA, ESQ. 12 13 14 15	first having been duly sworn by David P. Yuni, a Stenotype Reporter and Notary Public in and for the State of New York, was examined and testified as follows: EXAMINATION BY MR. MOSER: Q State your name for the record. A Barry Finkelstein. Q What is your current address? A 345 Underhill Boulevard, Syosset, New York 11791. Q Good morning Mr. Finkelstein. I am Steven Moser, an attorney, and I represent Maria Suarez in a lawsuit against Southern Glazer's Wine
4 MOSER LAW FIRM, P.C. Attorneys for Plaintiff 5 5 East Main Street Huntington, New York 11743 6 BY: STEVEN J. MOSER, ESQ. 7 8 CONSTANGY, BROOKS, SMITH, AND PROPHETE, LLP 9 Attorneys for Defendant 101 Sixth Avenue 10 New York, New York 10013 11 BY: ANGANETTE CABRERA, ESQ. 12 13 14 15 16	first having been duly sworn by David P. Yuni, a Stenotype Reporter and Notary Public in and for the State of New York, was examined and testified as follows: EXAMINATION BY MR. MOSER: Q State your name for the record. A Barry Finkelstein. Q What is your current address? A 345 Underhill Boulevard, Syosset, New York 11791. Q Good morning Mr. Finkelstein. I am Steven Moser, an attorney, and I represent Maria Suarez in a lawsuit against Southern Glazer's Wine and Spirits of New York. I will have some
4 MOSER LAW FIRM, P.C. Attorneys for Plaintiff 5 5 East Main Street Huntington, New York 11743 6 BY: STEVEN J. MOSER, ESQ. 7 8 CONSTANGY, BROOKS, SMITH, AND PROPHETE, LLP 9 Attorneys for Defendant 101 Sixth Avenue 10 New York, New York 10013 11 BY: ANGANETTE CABRERA, ESQ. 12 13 14 15 16 17	first having been duly sworn by David P. Yuni, a Stenotype Reporter and Notary Public in and for the State of New York, was examined and testified as follows: EXAMINATION BY MR. MOSER: Q State your name for the record. A Barry Finkelstein. Q What is your current address? A 345 Underhill Boulevard, Syosset, New York 11791. Q Good morning Mr. Finkelstein. I am Steven Moser, an attorney, and I represent Maria Suarez in a lawsuit against Southern Glazer's Wine and Spirits of New York. I will have some questions for you today. Have you ever testified
4 MOSER LAW FIRM, P.C. Attorneys for Plaintiff 5 5 East Main Street Huntington, New York 11743 6 BY: STEVEN J. MOSER, ESQ. 7 8 CONSTANGY, BROOKS, SMITH, AND PROPHETE, LLP 9 Attorneys for Defendant 101 Sixth Avenue 10 New York, New York 10013 11 BY: ANGANETTE CABRERA, ESQ. 12 13 14 15 16 17 18 19	first having been duly sworn by David P. Yuni, a Stenotype Reporter and Notary Public in and for the State of New York, was examined and testified as follows: EXAMINATION BY MR. MOSER: Q State your name for the record. A Barry Finkelstein. Q What is your current address? A 345 Underhill Boulevard, Syosset, New York 11791. Q Good morning Mr. Finkelstein. I am Steven Moser, an attorney, and I represent Maria Suarez in a lawsuit against Southern Glazer's Wine and Spirits of New York. I will have some questions for you today. Have you ever testified at a deposition before?
4 MOSER LAW FIRM, P.C. Attorneys for Plaintiff 5 5 East Main Street Huntington, New York 11743 6 BY: STEVEN J. MOSER, ESQ. 7 8 CONSTANGY, BROOKS, SMITH, AND PROPHETE, LLP 9 Attorneys for Defendant 101 Sixth Avenue 10 New York, New York 10013 11 BY: ANGANETTE CABRERA, ESQ. 12 13 14 15 16 17 18 19 20	first having been duly sworn by David P. Yuni, a Stenotype Reporter and Notary Public in and for the State of New York, was examined and testified as follows: EXAMINATION BY MR. MOSER: Q State your name for the record. A Barry Finkelstein. Q What is your current address? A 345 Underhill Boulevard, Syosset, New York 11791. Q Good morning Mr. Finkelstein. I am Steven Moser, an attorney, and I represent Maria Suarez in a lawsuit against Southern Glazer's Wine and Spirits of New York. I will have some questions for you today. Have you ever testified at a deposition before? A I have.
4 MOSER LAW FIRM, P.C. Attorneys for Plaintiff 5 5 East Main Street Huntington, New York 11743 6 BY: STEVEN J. MOSER, ESQ. 7 8 CONSTANGY, BROOKS, SMITH, AND PROPHETE, LLP 9 Attorneys for Defendant 101 Sixth Avenue 10 New York, New York 10013 11 BY: ANGANETTE CABRERA, ESQ. 12 13 14 15 16 17 18 19 20 21	first having been duly sworn by David P. Yuni, a Stenotype Reporter and Notary Public in and for the State of New York, was examined and testified as follows: EXAMINATION BY MR. MOSER: Q State your name for the record. A Barry Finkelstein. Q What is your current address? A 345 Underhill Boulevard, Syosset, New York 11791. Q Good morning Mr. Finkelstein. I am Steven Moser, an attorney, and I represent Maria Suarez in a lawsuit against Southern Glazer's Wine and Spirits of New York. I will have some questions for you today. Have you ever testified at a deposition before? A I have. Q On how many different occasions?
4 MOSER LAW FIRM, P.C. Attorneys for Plaintiff 5 5 East Main Street Huntington, New York 11743 6 BY: STEVEN J. MOSER, ESQ. 7 8 CONSTANGY, BROOKS, SMITH, AND PROPHETE, LLP 9 Attorneys for Defendant 101 Sixth Avenue 10 New York, New York 10013 11 BY: ANGANETTE CABRERA, ESQ. 12 13 14 15 16 17 18 19 20 21	first having been duly sworn by David P. Yuni, a Stenotype Reporter and Notary Public in and for the State of New York, was examined and testified as follows: EXAMINATION BY MR. MOSER: Q State your name for the record. A Barry Finkelstein. Q What is your current address? A 345 Underhill Boulevard, Syosset, New York 11791. Q Good morning Mr. Finkelstein. I am Steven Moser, an attorney, and I represent Maria Suarez in a lawsuit against Southern Glazer's Wine and Spirits of New York. I will have some questions for you today. Have you ever testified at a deposition before? A I have. Q On how many different occasions? A I think, maybe two. One was many
4 MOSER LAW FIRM, P.C. Attorneys for Plaintiff 5 5 East Main Street Huntington, New York 11743 6 BY: STEVEN J. MOSER, ESQ. 7 8 CONSTANGY, BROOKS, SMITH, AND PROPHETE, LLP 9 Attorneys for Defendant 101 Sixth Avenue 10 New York, New York 10013 11 BY: ANGANETTE CABRERA, ESQ. 12 13 14 15 16 17 18 19 20 21	first having been duly sworn by David P. Yuni, a Stenotype Reporter and Notary Public in and for the State of New York, was examined and testified as follows: EXAMINATION BY MR. MOSER: Q State your name for the record. A Barry Finkelstein. Q What is your current address? A 345 Underhill Boulevard, Syosset, New York 11791. Q Good morning Mr. Finkelstein. I am Steven Moser, an attorney, and I represent Maria Suarez in a lawsuit against Southern Glazer's Wine and Spirits of New York. I will have some questions for you today. Have you ever testified at a deposition before? A I have. Q On how many different occasions?

	Dagg 7
Page 5	Page 7
1 recently. 2 B. FINKELSTEIN	1 Spirits and Southern Glazer's Wine and Spirits as 2 B. FINKELSTEIN
	3 Southern, okay?
Q It was an employee that was intoxicated at work, and the company was looking	4 A Yes.
5 for termination, and the union and the gentleman	5 Q So you will understand that if I just
6 fought termination.	6 use the word Southern from now on?
7 Q Was that testimony in response to a	7 A Absolutely.
8 lawsuit or was it part of an arbitration	8 Q Great. Have you done anything to
9 proceeding?	9 prepare for today's deposition?
10 A It wasn't a lawsuit, no. I think it	10 A I had a meeting, you know, a
11 was just fighting the termination.	11 preliminary meeting this past week.
	12 Q With whom?
12 Q And who took your testimony? 13 A I don't recall the names.	`
	7. 8.
	1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
	15 Q Was it Timothy Barbetta? 16 A Yes.
18 A It was many years ago, and I honestly	about what you spoke with him because that's
19 don't even recall. It was like 15 years ago. I	19 confidential. How much time did you speak with
20 don't really recall what it was about.	20 Mr. Barbetta for?
Q Was it with regard to a lawsuit?	A About an hour and a half.
22 A I really don't recall. I don't even	Q Did you review any documents to
23 recall the name of the person. I remember it	prepare for today's deposition?
being many years ago when I first sort of started	24 A A couple of E-mails.
25 with Southern.	Q Do you have these E-mails with you
Page 6	Page 8
1 Q Have you been sued by anyone?	1 here today?
2 B. FINKELSTEIN	2 B. FINKELSTEIN
3 A No.	3 A No.
4 Q Have you ever sued anyone for	4 Q What were these E-mails about?
5 anything?	5 A To the best of my recollection it was
6 A No.	6 about a day-to-day work situation that might have
7 Q The matter that you testified for	been going on, and when I read it actually I was
8 approximately 15 years ago, was that with regard	8 cc'd on it. It wasn't sent to me specifically,
9 to an employment issue?	9 and I didn't even recall it when I saw it, but
10 A I am trying to recall what exactly it	10 nothing you know. I didn't see any problems
was, and I mean as a manager it had to have been	11 with it. I think it was just an E-mail that
an employee situation, but I really don't recall	12 related something that Maria and I don't know
any of the specifics of it.	13 if it was John Wilkinson who was the director at
14 Q Did that relate to your employment at	14 the time were discussing, but it really did not
Southern or did that withdrawn. Did that	15 involve me.
16 relate to your employment at Southern Glazer's	16 Q Do you remember anything else about
Wine and Spirits or did that relate to your	the E-mails that you reviewed?
18 employment for someone else?	18 A No. It was two or three, and again it
19 A It was Southern Wine at the time. Not	was nothing really that popped up at me as being
20 Southern Glazer's.	any kind of situation or a problem.
Q So it related to your employment with	Q Was there anything that you saw in
22 Southern Wine and Spirits?	there that you thought was important to Maria's
23 A Correct.	employment with Southern?
Q For the purpose of today's deposition	24 A No.
I am going to refer to both Southern Wine and	25 Q Are you still employed by Southern?

	Page 9		Page 11
1	A Yes.	1	Q Where is your office?
2	B. FINKELSTEIN	2	B. FINKELSTEIN
3	Q When did you start working for them?	3	A It is in the warehouse just it is
4	A In 2006.	4	actually connected to the warehouse just outside
5	Q So is that about 16 years ago?	5	of the warehouse. 20 steps away.
6	A Yes.	6	Q Who else has an office there?
7	Q How old are you?	7	A In the building or
8	A That's personal. I am just kidding.	8	Q Well, when you say 20 steps away from
9	I just turned 68.	9	the warehouse itself is that at 345 Underhill
10	Q When do you plan on retiring?	10	where you have your office?
11	A Very good question. I would say	11	A Correct.
12	within two years.	12	Q Who else has an office at 345
13	Q Do you have any plans to leave	13	Underhill besides you?
14	Southern now?	14	A The night shift manager actually
15	A No.	15	shares it with the midshift manager so they share
16	Q Do you plan to finish out your career	16	an office. Who else downstairs? The safety
17	with Southern?	17	director, the inventory control manager, and some
18	A Yes.	18	delivery managers as well.
19	Q What is your current job title?	19	Q Who is the inventory control manager?
20	A Day shift operations manager.	20	A Tonisha Durant.
21	Q How long have you had that title?	21	Q How long has she been the inventory
22	A I would say four years.	22	control manager?
23	Q What title did you have before that?	23	A If I had to guess I would probably say
24	A Prior to that was midshift manager.	24	about maybe eight to ten years.
25	Q Was that midshift operations manager?	25	Q Did you know Ms. Durant before she
	Page 10		Page 12
1	A Yes.	1	was the inventory control manager?
2	B. FINKELSTEIN	2	B. FINKELSTEIN
3	Q For how long were you the midshift	3	A No.
4	operations manager?	4	Q Did she work for Southern before she
5	A Probably also about four years.		
6		5	became the inventory control manager?
	Q What title did you have before you	6	A Yes. I believe she was in customer
7	Q What title did you have before you were the midshift operations manager?	6 7	A Yes. I believe she was in customer service, but I'm not 100 percent sure.
7 8	Q What title did you have before you were the midshift operations manager? A Night shift operations manager.	6 7 8	A Yes. I believe she was in customer service, but I'm not 100 percent sure. Q Did anyone at Southern talk to you
7 8 9	 Q What title did you have before you were the midshift operations manager? A Night shift operations manager. Q For how long were you the night shift 	6 7 8 9	A Yes. I believe she was in customer service, but I'm not 100 percent sure. Q Did anyone at Southern talk to you about Tonisha Durant becoming the inventory
7 8 9 10	 Q What title did you have before you were the midshift operations manager? A Night shift operations manager. Q For how long were you the night shift operations manager? 	6 7 8 9 10	A Yes. I believe she was in customer service, but I'm not 100 percent sure. Q Did anyone at Southern talk to you about Tonisha Durant becoming the inventory control manager?
7 8 9 10 11	Q What title did you have before you were the midshift operations manager? A Night shift operations manager. Q For how long were you the night shift operations manager? A That was about from 2007 to, I guess,	6 7 8 9 10 11	A Yes. I believe she was in customer service, but I'm not 100 percent sure. Q Did anyone at Southern talk to you about Tonisha Durant becoming the inventory control manager? A No.
7 8 9 10 11 12	Q What title did you have before you were the midshift operations manager? A Night shift operations manager. Q For how long were you the night shift operations manager? A That was about from 2007 to, I guess, eight years ago to 2014.	6 7 8 9 10 11 12	A Yes. I believe she was in customer service, but I'm not 100 percent sure. Q Did anyone at Southern talk to you about Tonisha Durant becoming the inventory control manager? A No. Q And that's before she became the
7 8 9 10 11 12 13	Q What title did you have before you were the midshift operations manager? A Night shift operations manager. Q For how long were you the night shift operations manager? A That was about from 2007 to, I guess, eight years ago to 2014. Q What title did you have before the	6 7 8 9 10 11 12 13	A Yes. I believe she was in customer service, but I'm not 100 percent sure. Q Did anyone at Southern talk to you about Tonisha Durant becoming the inventory control manager? A No. Q And that's before she became the inventory control manager?
7 8 9 10 11 12 13 14	Q What title did you have before you were the midshift operations manager? A Night shift operations manager. Q For how long were you the night shift operations manager? A That was about from 2007 to, I guess, eight years ago to 2014. Q What title did you have before the night shift operations manager?	6 7 8 9 10 11 12 13 14	A Yes. I believe she was in customer service, but I'm not 100 percent sure. Q Did anyone at Southern talk to you about Tonisha Durant becoming the inventory control manager? A No. Q And that's before she became the inventory control manager? A No.
7 8 9 10 11 12 13 14	Q What title did you have before you were the midshift operations manager? A Night shift operations manager. Q For how long were you the night shift operations manager? A That was about from 2007 to, I guess, eight years ago to 2014. Q What title did you have before the night shift operations manager? A Um, I was a supervisor on overnights.	6 7 8 9 10 11 12 13 14	A Yes. I believe she was in customer service, but I'm not 100 percent sure. Q Did anyone at Southern talk to you about Tonisha Durant becoming the inventory control manager? A No. Q And that's before she became the inventory control manager? A No. Q Before Tonisha Durant was the
7 8 9 10 11 12 13 14 15	Q What title did you have before you were the midshift operations manager? A Night shift operations manager. Q For how long were you the night shift operations manager? A That was about from 2007 to, I guess, eight years ago to 2014. Q What title did you have before the night shift operations manager? A Um, I was a supervisor on overnights. Q When you were a supervisor on	6 7 8 9 10 11 12 13 14 15	A Yes. I believe she was in customer service, but I'm not 100 percent sure. Q Did anyone at Southern talk to you about Tonisha Durant becoming the inventory control manager? A No. Q And that's before she became the inventory control manager? A No. Q Before Tonisha Durant was the inventory control manager who was the inventory
7 8 9 10 11 12 13 14 15 16 17	Q What title did you have before you were the midshift operations manager? A Night shift operations manager. Q For how long were you the night shift operations manager? A That was about from 2007 to, I guess, eight years ago to 2014. Q What title did you have before the night shift operations manager? A Um, I was a supervisor on overnights. Q When you were a supervisor on overnights were you working in the warehouse?	6 7 8 9 10 11 12 13 14 15 16 17	A Yes. I believe she was in customer service, but I'm not 100 percent sure. Q Did anyone at Southern talk to you about Tonisha Durant becoming the inventory control manager? A No. Q And that's before she became the inventory control manager? A No. Q Before Tonisha Durant was the inventory control manager who was the inventory control manager?
7 8 9 10 11 12 13 14 15 16 17	Q What title did you have before you were the midshift operations manager? A Night shift operations manager. Q For how long were you the night shift operations manager? A That was about from 2007 to, I guess, eight years ago to 2014. Q What title did you have before the night shift operations manager? A Um, I was a supervisor on overnights. Q When you were a supervisor on overnights were you working in the warehouse? A Yes.	6 7 8 9 10 11 12 13 14 15 16 17	A Yes. I believe she was in customer service, but I'm not 100 percent sure. Q Did anyone at Southern talk to you about Tonisha Durant becoming the inventory control manager? A No. Q And that's before she became the inventory control manager? A No. Q Before Tonisha Durant was the inventory control manager who was the inventory control manager? A Before that I believe it was Tom
7 8 9 10 11 12 13 14 15 16 17 18	Q What title did you have before you were the midshift operations manager? A Night shift operations manager. Q For how long were you the night shift operations manager? A That was about from 2007 to, I guess, eight years ago to 2014. Q What title did you have before the night shift operations manager? A Um, I was a supervisor on overnights. Q When you were a supervisor on overnights were you working in the warehouse? A Yes. Q Were you a union member?	6 7 8 9 10 11 12 13 14 15 16 17 18	A Yes. I believe she was in customer service, but I'm not 100 percent sure. Q Did anyone at Southern talk to you about Tonisha Durant becoming the inventory control manager? A No. Q And that's before she became the inventory control manager? A No. Q Before Tonisha Durant was the inventory control manager who was the inventory control manager? A Before that I believe it was Tom Barkey.
7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q What title did you have before you were the midshift operations manager? A Night shift operations manager. Q For how long were you the night shift operations manager? A That was about from 2007 to, I guess, eight years ago to 2014. Q What title did you have before the night shift operations manager? A Um, I was a supervisor on overnights. Q When you were a supervisor on overnights were you working in the warehouse? A Yes. Q Were you a union member? A No.	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A Yes. I believe she was in customer service, but I'm not 100 percent sure. Q Did anyone at Southern talk to you about Tonisha Durant becoming the inventory control manager? A No. Q And that's before she became the inventory control manager? A No. Q Before Tonisha Durant was the inventory control manager who was the inventory control manager? A Before that I believe it was Tom Barkey. Q Was Maria Suarez ever the inventory
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q What title did you have before you were the midshift operations manager? A Night shift operations manager. Q For how long were you the night shift operations manager? A That was about from 2007 to, I guess, eight years ago to 2014. Q What title did you have before the night shift operations manager? A Um, I was a supervisor on overnights. Q When you were a supervisor on overnights were you working in the warehouse? A Yes. Q Were you a union member? A No. Q Have you always worked in the	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Yes. I believe she was in customer service, but I'm not 100 percent sure. Q Did anyone at Southern talk to you about Tonisha Durant becoming the inventory control manager? A No. Q And that's before she became the inventory control manager? A No. Q Before Tonisha Durant was the inventory control manager who was the inventory control manager? A Before that I believe it was Tom Barkey. Q Was Maria Suarez ever the inventory control manager?
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q What title did you have before you were the midshift operations manager? A Night shift operations manager. Q For how long were you the night shift operations manager? A That was about from 2007 to, I guess, eight years ago to 2014. Q What title did you have before the night shift operations manager? A Um, I was a supervisor on overnights. Q When you were a supervisor on overnights were you working in the warehouse? A Yes. Q Were you a union member? A No. Q Have you always worked in the warehouse?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Yes. I believe she was in customer service, but I'm not 100 percent sure. Q Did anyone at Southern talk to you about Tonisha Durant becoming the inventory control manager? A No. Q And that's before she became the inventory control manager? A No. Q Before Tonisha Durant was the inventory control manager who was the inventory control manager? A Before that I believe it was Tom Barkey. Q Was Maria Suarez ever the inventory control manager? A I am not sure what Maria's title was.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q What title did you have before you were the midshift operations manager? A Night shift operations manager. Q For how long were you the night shift operations manager? A That was about from 2007 to, I guess, eight years ago to 2014. Q What title did you have before the night shift operations manager? A Um, I was a supervisor on overnights. Q When you were a supervisor on overnights were you working in the warehouse? A Yes. Q Were you a union member? A No. Q Have you always worked in the warehouse? A Yes.	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Yes. I believe she was in customer service, but I'm not 100 percent sure. Q Did anyone at Southern talk to you about Tonisha Durant becoming the inventory control manager? A No. Q And that's before she became the inventory control manager? A No. Q Before Tonisha Durant was the inventory control manager who was the inventory control manager? A Before that I believe it was Tom Barkey. Q Was Maria Suarez ever the inventory control manager? A I am not sure what Maria's title was. I'm not sure if she was a manager or a supervisor.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q What title did you have before you were the midshift operations manager? A Night shift operations manager. Q For how long were you the night shift operations manager? A That was about from 2007 to, I guess, eight years ago to 2014. Q What title did you have before the night shift operations manager? A Um, I was a supervisor on overnights. Q When you were a supervisor on overnights were you working in the warehouse? A Yes. Q Were you a union member? A No. Q Have you always worked in the warehouse? A Yes. Q Do you have an office?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A Yes. I believe she was in customer service, but I'm not 100 percent sure. Q Did anyone at Southern talk to you about Tonisha Durant becoming the inventory control manager? A No. Q And that's before she became the inventory control manager? A No. Q Before Tonisha Durant was the inventory control manager who was the inventory control manager who was the inventory control manager? A Before that I believe it was Tom Barkey. Q Was Maria Suarez ever the inventory control manager? A I am not sure what Maria's title was. I'm not sure if she was a manager or a supervisor. Q Does Tonisha Durant supervise any
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q What title did you have before you were the midshift operations manager? A Night shift operations manager. Q For how long were you the night shift operations manager? A That was about from 2007 to, I guess, eight years ago to 2014. Q What title did you have before the night shift operations manager? A Um, I was a supervisor on overnights. Q When you were a supervisor on overnights were you working in the warehouse? A Yes. Q Were you a union member? A No. Q Have you always worked in the warehouse? A Yes.	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Yes. I believe she was in customer service, but I'm not 100 percent sure. Q Did anyone at Southern talk to you about Tonisha Durant becoming the inventory control manager? A No. Q And that's before she became the inventory control manager? A No. Q Before Tonisha Durant was the inventory control manager who was the inventory control manager who was the inventory control manager? A Before that I believe it was Tom Barkey. Q Was Maria Suarez ever the inventory control manager? A I am not sure what Maria's title was. I'm not sure if she was a manager or a supervisor.

Page 13 Page 15 1 Herdocia, or Ena Scott? A Yes. 1 2 2 B. FINKELSTEIN B. FINKELSTEIN 3 Who does she supervise? 3 A Um, I would say for a short period of 4 A You want the names? 4 time they reported to both of us, to Tatiana and 5 5 Q Yes. myself. 6 Justin Veigh, Tatiana Herdocia, Ena 6 Q For a period of time did these three Α 7 7 individuals report to both Tonisha Durant and to Scott, and there is a new young guy working for 8 her recently. I know his first name is Jax. I 8 9 don't know his last name. That's it. 9 A I'm not sure when Maria left the 10 10 Q How do you know that these -- how do company, but I would say it was probably a few you know Tonisha Durant manages these four months -- January of 2020? That's when Covid 11 11 started, right? January or February? 12 individuals? 12 13 A Well, I know they report to her. I 13 Q Early 2020. 14 know they work for her. I know she gives them 14 Α Right. 15 their work every day. She analyzes their work. So in your capacity as day shift 15 operations manager do you see what the cycle 16 Q Is that based upon your personal 16 17 knowledge of what you see and what you hear? 17 counters do on a daily basis? 18 A It is what I know. 18 A Yes. 19 Q How do you know? Q Do you have any interactions with 19 Tonisha Durant? 20 I have been there when they interacted 20 21 on the business end, and I know when she is out 21 A Yes. 22 very often they will come to me if she is out with 22 Q Describe for me the interactions that 23 any kind of problems. 23 you have on a daily basis with the -- withdrawn. 24 Q So you know that these four 24 Describe for me the interactions that you have 25 individuals report to Tonisha Durant because you 25 with Tonisha Durant as day shift operations Page 14 Page 16 1 have seen them report to her and you have been 1 manager? 2 2 B. FINKELSTEIN B. FINKELSTEIN 3 3 present when they reported to her? A So when there are inventory issues 4 A Mm-hmm, yes. 4 that need to be looked into and resolved very 5 Q For how long have these four 5 often -- there are some rules and regulations when 6 individuals -- withdrawn. What are the titles of 6 it comes to what cycle counters can and cannot do 7 those four individuals? 7 so they can't touch product, and they can't move 8 A Cycle counters. 8 product. They can strictly count. So if there is 9 Q For how long has Justin, Tatiana and 9 an inventory issue that needs to be looked into 10 Ena Scott reported to Tonisha Durant? 10 very often the departments will get in touch with 11 A I would have to say for the past maybe 11 me, and I will then have a warehouse -- the 12 four years. 12 warehouse men get involved and look into the 13 Q Is that your best approximation? 13 problem which means getting on a hi-lo possibly, 14 A Yes, I would say that. 14 pulling pallets out, doing the more physical end 15 O Who did these three individuals, 15 of it. 16 Justin Veigh, Tatiana Herdocia, and Ena Scott 16 Q How frequently do you interact with --17 report to before they reported to Tonisha Durant? 17 withdrawn. How frequently do you speak with 18 Maria Suarez. 18 Tonisha Durant? 19 Q So is it fair to say that Maria 19 A Daily. You mean how many times a day? 20 Suarez was their manager before Tonisha Durant 20 O Correct. 21 became their manager? 21 A I would say anywhere between three and 22 A Again, I am not sure what her actual 22 ten times a day on average. 23 title was so either manager or supervisor. 23 Q For how long have you spoken with 24 Q Okay. Did you ever have any 24 Tonisha Durant between three and ten times per day 25 supervisory authority over Justin Veigh, Tatiana 25 at Southern?

	Page 17		Page 19
1	A How often have we been speaking?	1	Q When you were the night shift
2	B. FINKELSTEIN	2	B. FINKELSTEIN
3	Q Yes. For how long have you had this	3	operations manager what was your schedule?
4	level of contact?	4	A When I was night shift? It was 6 p.m.
5	A Since January of 2020, since I took	5	until whenever we got the last case out the door.
6	that day shift position.	6	Sometimes 6 a.m. It was long hours.
7	Q And the midshift operations manager?	7	Q So just to clarify, when you were the
8	When you were the midshift operations manager did	8	night shift manager withdrawn. When you were
9	you have any communications with Tonisha Durant?	9	the night shift operations manager your shift
10	A Some but not nearly as much.	10	began at 6 p.m.?
11	Q How many times did you speak per week	11	A Yes.
12	or per day with Tonisha Durant when you were the	12	Q And it ended when the last case was
13	midshift operations manager?	13	out the door?
14	MS. CABRERA: Objection to the form of	14	A Correct.
15	the question. You can answer it.	15	Q And then when you became the midshift
16	A How often? There were times that we	16	operations manager your shift was from 3 p.m. to 1
17	didn't speak at all because very often our shifts	17	a.m.
18	we did not see each other because of my hours,	18	A Correct.
19	but E-mail wise? Maybe three to four times a	19	Q Except for the last year in which you
20	week.	20	were in that position in which you negotiated a
21	Q Would you communicate about a specific	21	schedule of 9 a.m. to 7 p.m?
22 23	topic?	22	A Correct.
24	A Did Tonisha Durant and I speak about	23	Q And then when you became the day shift
25	 yes. It was always inventory issues. Q For what reasons would you communicate 	25	operations manager what was your schedule? A My schedule now is again about 7:30 in
23	Q For what reasons would you communicate	23	A why schedule now is again about 7.50 in
	Page 18		Page 20
1		1	
1 2	Page 18 specifically with regard to the inventory? B. FINKELSTEIN	1 2	Page 20 the morning. I try to get out by 6:30 at night. B. FINKELSTEIN
	specifically with regard to the inventory?		the morning. I try to get out by 6:30 at night.
2	specifically with regard to the inventory? B. FINKELSTEIN	2	the morning. I try to get out by 6:30 at night. B. FINKELSTEIN
2	specifically with regard to the inventory? B. FINKELSTEIN A Um, if a warehouse man was not doing	2	the morning. I try to get out by 6:30 at night. B. FINKELSTEIN Q Did you ever manage Justin Veigh?
2 3 4	specifically with regard to the inventory? B. FINKELSTEIN A Um, if a warehouse man was not doing their job properly, for instance, and she found	2 3 4	the morning. I try to get out by 6:30 at night. B. FINKELSTEIN Q Did you ever manage Justin Veigh? A I would say it was more of a
2 3 4 5	specifically with regard to the inventory? B. FINKELSTEIN A Um, if a warehouse man was not doing their job properly, for instance, and she found out what went wrong and who did it? She would then send me that information. If it was a member of my shift so that I would address the employee,	2 3 4 5	the morning. I try to get out by 6:30 at night. B. FINKELSTEIN Q Did you ever manage Justin Veigh? A I would say it was more of a supervisory situation, yes.
2 3 4 5 6	specifically with regard to the inventory? B. FINKELSTEIN A Um, if a warehouse man was not doing their job properly, for instance, and she found out what went wrong and who did it? She would then send me that information. If it was a member of my shift so that I would address the employee, retraining, counsel, coach.	2 3 4 5 6	the morning. I try to get out by 6:30 at night. B. FINKELSTEIN Q Did you ever manage Justin Veigh? A I would say it was more of a supervisory situation, yes. Q When did you supervise Justin Veigh?
2 3 4 5 6 7 8	specifically with regard to the inventory? B. FINKELSTEIN A. Um, if a warehouse man was not doing their job properly, for instance, and she found out what went wrong and who did it? She would then send me that information. If it was a member of my shift so that I would address the employee, retraining, counsel, coach. Q. When you were the midshift operations	2 3 4 5 6 7 8	the morning. I try to get out by 6:30 at night. B. FINKELSTEIN Q Did you ever manage Justin Veigh? A I would say it was more of a supervisory situation, yes. Q When did you supervise Justin Veigh? A That was somewhere around 2018. Q Why did you supervise Justin Veigh in 2018?
2 3 4 5 6 7 8	specifically with regard to the inventory? B. FINKELSTEIN A. Um, if a warehouse man was not doing their job properly, for instance, and she found out what went wrong and who did it? She would then send me that information. If it was a member of my shift so that I would address the employee, retraining, counsel, coach. Q. When you were the midshift operations manager what was your schedule?	2 3 4 5 6 7 8	the morning. I try to get out by 6:30 at night. B. FINKELSTEIN Q Did you ever manage Justin Veigh? A I would say it was more of a supervisory situation, yes. Q When did you supervise Justin Veigh? A That was somewhere around 2018. Q Why did you supervise Justin Veigh in 2018? A There was a change in my a short
2 3 4 5 6 7 8 9 10	specifically with regard to the inventory? B. FINKELSTEIN A Um, if a warehouse man was not doing their job properly, for instance, and she found out what went wrong and who did it? She would then send me that information. If it was a member of my shift so that I would address the employee, retraining, counsel, coach. Q. When you were the midshift operations manager what was your schedule? A. It changed. Officially it was 3	2 3 4 5 6 7 8 9 10	the morning. I try to get out by 6:30 at night. B. FINKELSTEIN Q Did you ever manage Justin Veigh? A I would say it was more of a supervisory situation, yes. Q When did you supervise Justin Veigh? A That was somewhere around 2018. Q Why did you supervise Justin Veigh in 2018? A There was a change in my a short period when my title was kind of up in the air so
2 3 4 5 6 7 8 9 10 11	specifically with regard to the inventory? B. FINKELSTEIN A Um, if a warehouse man was not doing their job properly, for instance, and she found out what went wrong and who did it? She would then send me that information. If it was a member of my shift so that I would address the employee, retraining, counsel, coach. Q When you were the midshift operations manager what was your schedule? A It changed. Officially it was 3 p.m. until 1:00 in the morning, and then the last	2 3 4 5 6 7 8 9 10 11	the morning. I try to get out by 6:30 at night. B. FINKELSTEIN Q Did you ever manage Justin Veigh? A I would say it was more of a supervisory situation, yes. Q When did you supervise Justin Veigh? A That was somewhere around 2018. Q Why did you supervise Justin Veigh in 2018? A There was a change in my a short period when my title was kind of up in the air so before I became the day shift manager I was the
2 3 4 5 6 7 8 9 10 11 12 13	specifically with regard to the inventory? B. FINKELSTEIN A Um, if a warehouse man was not doing their job properly, for instance, and she found out what went wrong and who did it? She would then send me that information. If it was a member of my shift so that I would address the employee, retraining, counsel, coach. Q When you were the midshift operations manager what was your schedule? A It changed. Officially it was 3 p.m. until 1:00 in the morning, and then the last year I had the position I negotiated a change of	2 3 4 5 6 7 8 9 10 11 12 13	the morning. I try to get out by 6:30 at night. B. FINKELSTEIN Q Did you ever manage Justin Veigh? A I would say it was more of a supervisory situation, yes. Q When did you supervise Justin Veigh? A That was somewhere around 2018. Q Why did you supervise Justin Veigh in 2018? A There was a change in my a short period when my title was kind of up in the air so before I became the day shift manager I was the midshift manager obviously, and then they brought
2 3 4 5 6 7 8 9 10 11 12 13 14	specifically with regard to the inventory? B. FINKELSTEIN A Um, if a warehouse man was not doing their job properly, for instance, and she found out what went wrong and who did it? She would then send me that information. If it was a member of my shift so that I would address the employee, retraining, counsel, coach. Q. When you were the midshift operations manager what was your schedule? A. It changed. Officially it was 3 p.m. until 1:00 in the morning, and then the last year I had the position I negotiated a change of hours, and I was working 9 to 7. 9 a.m. to 7 p.m.	2 3 4 5 6 7 8 9 10 11 12 13 14	the morning. I try to get out by 6:30 at night. B. FINKELSTEIN Q Did you ever manage Justin Veigh? A I would say it was more of a supervisory situation, yes. Q When did you supervise Justin Veigh? A That was somewhere around 2018. Q Why did you supervise Justin Veigh in 2018? A There was a change in my a short period when my title was kind of up in the air so before I became the day shift manager I was the midshift manager obviously, and then they brought in a new midshift manager. There was some
2 3 4 5 6 7 8 9 10 11 12 13 14	specifically with regard to the inventory? B. FINKELSTEIN A Um, if a warehouse man was not doing their job properly, for instance, and she found out what went wrong and who did it? She would then send me that information. If it was a member of my shift so that I would address the employee, retraining, counsel, coach. Q. When you were the midshift operations manager what was your schedule? A. It changed. Officially it was 3 p.m. until 1:00 in the morning, and then the last year I had the position I negotiated a change of hours, and I was working 9 to 7. 9 a.m. to 7 p.m. Q. When you were working from 9 a.m. to 7	2 3 4 5 6 7 8 9 10 11 12 13 14 15	the morning. I try to get out by 6:30 at night. B. FINKELSTEIN Q Did you ever manage Justin Veigh? A I would say it was more of a supervisory situation, yes. Q When did you supervise Justin Veigh? A That was somewhere around 2018. Q Why did you supervise Justin Veigh in 2018? A There was a change in my a short period when my title was kind of up in the air so before I became the day shift manager I was the midshift manager obviously, and then they brought in a new midshift manager. There was some situation going on between me and my boss, and I
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	specifically with regard to the inventory? B. FINKELSTEIN A Um, if a warehouse man was not doing their job properly, for instance, and she found out what went wrong and who did it? She would then send me that information. If it was a member of my shift so that I would address the employee, retraining, counsel, coach. Q. When you were the midshift operations manager what was your schedule? A. It changed. Officially it was 3 p.m. until 1:00 in the morning, and then the last year I had the position I negotiated a change of hours, and I was working 9 to 7. 9 a.m. to 7 p.m. Q. When you were working from 9 a.m. to 7 p.m. during the last year that you were the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	the morning. I try to get out by 6:30 at night. B. FINKELSTEIN Q Did you ever manage Justin Veigh? A I would say it was more of a supervisory situation, yes. Q When did you supervise Justin Veigh? A That was somewhere around 2018. Q Why did you supervise Justin Veigh in 2018? A There was a change in my a short period when my title was kind of up in the air so before I became the day shift manager I was the midshift manager obviously, and then they brought in a new midshift manager. There was some situation going on between me and my boss, and I was pulled out of the midshift position and pretty
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	specifically with regard to the inventory? B. FINKELSTEIN A Um, if a warehouse man was not doing their job properly, for instance, and she found out what went wrong and who did it? She would then send me that information. If it was a member of my shift so that I would address the employee, retraining, counsel, coach. Q When you were the midshift operations manager what was your schedule? A It changed. Officially it was 3 p.m. until 1:00 in the morning, and then the last year I had the position I negotiated a change of hours, and I was working 9 to 7. 9 a.m. to 7 p.m. Q When you were working from 9 a.m. to 7 p.m. during the last year that you were the midshift operations manager how often did you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	the morning. I try to get out by 6:30 at night. B. FINKELSTEIN Q Did you ever manage Justin Veigh? A I would say it was more of a supervisory situation, yes. Q When did you supervise Justin Veigh? A That was somewhere around 2018. Q Why did you supervise Justin Veigh in 2018? A There was a change in my a short period when my title was kind of up in the air so before I became the day shift manager I was the midshift manager obviously, and then they brought in a new midshift manager. There was some situation going on between me and my boss, and I was pulled out of the midshift position and pretty much told to like figure it out. So I got
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	specifically with regard to the inventory? B. FINKELSTEIN A Um, if a warehouse man was not doing their job properly, for instance, and she found out what went wrong and who did it? She would then send me that information. If it was a member of my shift so that I would address the employee, retraining, counsel, coach. Q. When you were the midshift operations manager what was your schedule? A. It changed. Officially it was 3 p.m. until 1:00 in the morning, and then the last year I had the position I negotiated a change of hours, and I was working 9 to 7. 9 a.m. to 7 p.m. Q. When you were working from 9 a.m. to 7 p.m. during the last year that you were the midshift operations manager how often did you communicate with Tonisha Durant?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	the morning. I try to get out by 6:30 at night. B. FINKELSTEIN Q Did you ever manage Justin Veigh? A I would say it was more of a supervisory situation, yes. Q When did you supervise Justin Veigh? A That was somewhere around 2018. Q Why did you supervise Justin Veigh in 2018? A There was a change in my a short period when my title was kind of up in the air so before I became the day shift manager I was the midshift manager obviously, and then they brought in a new midshift manager. There was some situation going on between me and my boss, and I was pulled out of the midshift position and pretty much told to like figure it out. So I got involved in inventory control at that point so
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	specifically with regard to the inventory? B. FINKELSTEIN A Um, if a warehouse man was not doing their job properly, for instance, and she found out what went wrong and who did it? She would then send me that information. If it was a member of my shift so that I would address the employee, retraining, counsel, coach. Q. When you were the midshift operations manager what was your schedule? A. It changed. Officially it was 3 p.m. until 1:00 in the morning, and then the last year I had the position I negotiated a change of hours, and I was working 9 to 7. 9 a.m. to 7 p.m. Q. When you were working from 9 a.m. to 7 p.m. during the last year that you were the midshift operations manager how often did you communicate with Tonisha Durant? A. Probably about the same. Three to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	the morning. I try to get out by 6:30 at night. B. FINKELSTEIN Q Did you ever manage Justin Veigh? A I would say it was more of a supervisory situation, yes. Q When did you supervise Justin Veigh? A That was somewhere around 2018. Q Why did you supervise Justin Veigh in 2018? A There was a change in my a short period when my title was kind of up in the air so before I became the day shift manager I was the midshift manager obviously, and then they brought in a new midshift manager. There was some situation going on between me and my boss, and I was pulled out of the midshift position and pretty much told to like figure it out. So I got involved in inventory control at that point so there was a short period of time where I was not
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	specifically with regard to the inventory? B. FINKELSTEIN A Um, if a warehouse man was not doing their job properly, for instance, and she found out what went wrong and who did it? She would then send me that information. If it was a member of my shift so that I would address the employee, retraining, counsel, coach. Q. When you were the midshift operations manager what was your schedule? A. It changed. Officially it was 3 p.m. until 1:00 in the morning, and then the last year I had the position I negotiated a change of hours, and I was working 9 to 7. 9 a.m. to 7 p.m. Q. When you were working from 9 a.m. to 7 p.m. during the last year that you were the midshift operations manager how often did you communicate with Tonisha Durant? A. Probably about the same. Three to four times a week. Most of the interactions	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	the morning. I try to get out by 6:30 at night. B. FINKELSTEIN Q Did you ever manage Justin Veigh? A I would say it was more of a supervisory situation, yes. Q When did you supervise Justin Veigh? A That was somewhere around 2018. Q Why did you supervise Justin Veigh in 2018? A There was a change in my a short period when my title was kind of up in the air so before I became the day shift manager I was the midshift manager obviously, and then they brought in a new midshift manager. There was some situation going on between me and my boss, and I was pulled out of the midshift position and pretty much told to like figure it out. So I got involved in inventory control at that point so there was a short period of time where I was not the midshift or the day shift manager. I was a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	specifically with regard to the inventory? B. FINKELSTEIN A Um, if a warehouse man was not doing their job properly, for instance, and she found out what went wrong and who did it? She would then send me that information. If it was a member of my shift so that I would address the employee, retraining, counsel, coach. Q. When you were the midshift operations manager what was your schedule? A. It changed. Officially it was 3 p.m. until 1:00 in the morning, and then the last year I had the position I negotiated a change of hours, and I was working 9 to 7. 9 a.m. to 7 p.m. Q. When you were working from 9 a.m. to 7 p.m. during the last year that you were the midshift operations manager how often did you communicate with Tonisha Durant? A. Probably about the same. Three to four times a week. Most of the interactions between inventory control and warehouse manager	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	the morning. I try to get out by 6:30 at night. B. FINKELSTEIN Q Did you ever manage Justin Veigh? A I would say it was more of a supervisory situation, yes. Q When did you supervise Justin Veigh? A That was somewhere around 2018. Q Why did you supervise Justin Veigh in 2018? A There was a change in my a short period when my title was kind of up in the air so before I became the day shift manager I was the midshift manager obviously, and then they brought in a new midshift manager. There was some situation going on between me and my boss, and I was pulled out of the midshift position and pretty much told to like figure it out. So I got involved in inventory control at that point so there was a short period of time where I was not the midshift or the day shift manager. I was a manager but of neither shift.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	specifically with regard to the inventory? B. FINKELSTEIN A Um, if a warehouse man was not doing their job properly, for instance, and she found out what went wrong and who did it? She would then send me that information. If it was a member of my shift so that I would address the employee, retraining, counsel, coach. Q. When you were the midshift operations manager what was your schedule? A. It changed. Officially it was 3 p.m. until 1:00 in the morning, and then the last year I had the position I negotiated a change of hours, and I was working 9 to 7. 9 a.m. to 7 p.m. Q. When you were working from 9 a.m. to 7 p.m. during the last year that you were the midshift operations manager how often did you communicate with Tonisha Durant? A. Probably about the same. Three to four times a week. Most of the interactions between inventory control and warehouse manager the was done between the day shift manager and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the morning. I try to get out by 6:30 at night. B. FINKELSTEIN Q Did you ever manage Justin Veigh? A I would say it was more of a supervisory situation, yes. Q When did you supervise Justin Veigh? A That was somewhere around 2018. Q Why did you supervise Justin Veigh in 2018? A There was a change in my a short period when my title was kind of up in the air so before I became the day shift manager I was the midshift manager obviously, and then they brought in a new midshift manager. There was some situation going on between me and my boss, and I was pulled out of the midshift position and pretty much told to like figure it out. So I got involved in inventory control at that point so there was a short period of time where I was not the midshift or the day shift manager. I was a manager but of neither shift. Q And who was your manager at that time?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	specifically with regard to the inventory? B. FINKELSTEIN A Um, if a warehouse man was not doing their job properly, for instance, and she found out what went wrong and who did it? She would then send me that information. If it was a member of my shift so that I would address the employee, retraining, counsel, coach. Q. When you were the midshift operations manager what was your schedule? A. It changed. Officially it was 3 p.m. until 1:00 in the morning, and then the last year I had the position I negotiated a change of hours, and I was working 9 to 7. 9 a.m. to 7 p.m. Q. When you were working from 9 a.m. to 7 p.m. during the last year that you were the midshift operations manager how often did you communicate with Tonisha Durant? A. Probably about the same. Three to four times a week. Most of the interactions between inventory control and warehouse manager the was done between the day shift manager and Tonisha Durant, so not that often.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	the morning. I try to get out by 6:30 at night. B. FINKELSTEIN Q Did you ever manage Justin Veigh? A I would say it was more of a supervisory situation, yes. Q When did you supervise Justin Veigh? A That was somewhere around 2018. Q Why did you supervise Justin Veigh in 2018? A There was a change in my a short period when my title was kind of up in the air so before I became the day shift manager I was the midshift manager obviously, and then they brought in a new midshift manager. There was some situation going on between me and my boss, and I was pulled out of the midshift position and pretty much told to like figure it out. So I got involved in inventory control at that point so there was a short period of time where I was not the midshift or the day shift manager. I was a manager but of neither shift. Q And who was your manager at that time? A At that time it was Sean Kelly.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	specifically with regard to the inventory? B. FINKELSTEIN A Um, if a warehouse man was not doing their job properly, for instance, and she found out what went wrong and who did it? She would then send me that information. If it was a member of my shift so that I would address the employee, retraining, counsel, coach. Q. When you were the midshift operations manager what was your schedule? A. It changed. Officially it was 3 p.m. until 1:00 in the morning, and then the last year I had the position I negotiated a change of hours, and I was working 9 to 7. 9 a.m. to 7 p.m. Q. When you were working from 9 a.m. to 7 p.m. during the last year that you were the midshift operations manager how often did you communicate with Tonisha Durant? A. Probably about the same. Three to four times a week. Most of the interactions between inventory control and warehouse manager the was done between the day shift manager and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the morning. I try to get out by 6:30 at night. B. FINKELSTEIN Q Did you ever manage Justin Veigh? A I would say it was more of a supervisory situation, yes. Q When did you supervise Justin Veigh? A That was somewhere around 2018. Q Why did you supervise Justin Veigh in 2018? A There was a change in my a short period when my title was kind of up in the air so before I became the day shift manager I was the midshift manager obviously, and then they brought in a new midshift manager. There was some situation going on between me and my boss, and I was pulled out of the midshift position and pretty much told to like figure it out. So I got involved in inventory control at that point so there was a short period of time where I was not the midshift or the day shift manager. I was a manager but of neither shift. Q And who was your manager at that time?

	D 01		D 22
	Page 21		Page 23
1	short period of time. He is in Texas now, still	1	actually like tell you why because I still don't
2	B. FINKELSTEIN	2	B. FINKELSTEIN
3	with the company. Q For how long did you supervise Justin	3 4	get it. But there was some Q All right. So what is your
4 5	Q For how long did you supervise Justin Veigh in 2018?	5	Q All right. So what is your understanding of why you were without a title for
6	A I would say probably mid 2018 until	6	that period?
7	January of 2020. Maybe a year and a half.	7	A I think there was a conflict between
8	Q Who gave you the authority to	8	Mr. Randall and myself that I actually had no idea
9	supervise Justin Veigh?	9	where it was coming from, and I think he was
10	A The VP Kevin Randall.	10	probably maybe getting bad information about me
11	Q Did Mr. Randall talk to you about	11	and decided to remove me from that position from
12	supervising Justin Veigh?	12	the midshift position.
13	A Yes.	13	Q When you were removed from the
14	Q And in addition to supervising Justin	14	midshift operations position you effectively had
15	Veigh were you also going to supervise Tatiana	15	no title with the company?
16	Herdocia and Ena Scott?	16	A That's correct.
17	A Yes.	17	Q Was that something that Mr. Randall
18	Q Did you supervise Tatiana Herdocia and	18	decided?
19	Ena Scott for the same period of time that you	19	A Yes.
20	supervised Justin Veigh?	20	Q And were you paid a salary during this
21	A Yes.	21	period of time?
22	Q When for the first time did you speak	22	A Yes.
23	to Mr. Randall about supervising cycle counters?	23	Q During this time period that you were
24	A Right around that time. Mid 2018.	24	without a title did you have a job description?
25	Q Tell me about all you can remember	25	A No.
	Page 22		Page 24
1	Page 22 about that conversation.	1	Page 24 Q During the time period that you were
2	about that conversation. B. FINKELSTEIN	2	Q During the time period that you were B. FINKELSTEIN
	about that conversation. B. FINKELSTEIN A. Okay. So again, I was the midshift		Q During the time period that you were B. FINKELSTEIN without a title did you have any job duties?
2 3 4	about that conversation. B. FINKELSTEIN A Okay. So again, I was the midshift manager. I was replaced by someone to take that	2 3 4	Q During the time period that you were B. FINKELSTEIN without a title did you have any job duties? A No.
2 3 4 5	about that conversation. B. FINKELSTEIN A Okay. So again, I was the midshift manager. I was replaced by someone to take that position. I was left without a title for a number	2 3 4 5	 Q During the time period that you were B. FINKELSTEIN without a title did you have any job duties? A No. Q So can you please explain what you
2 3 4 5 6	about that conversation. B. FINKELSTEIN A Okay. So again, I was the midshift manager. I was replaced by someone to take that position. I was left without a title for a number of months. And one of our biggest problems in	2 3 4 5 6	 Q During the time period that you were B. FINKELSTEIN without a title did you have any job duties? A No. Q So can you please explain what you would do when you came to work during this
2 3 4 5 6 7	about that conversation. B. FINKELSTEIN A Okay. So again, I was the midshift manager. I was replaced by someone to take that position. I was left without a title for a number of months. And one of our biggest problems in that warehouse you want me to tell you about my	2 3 4 5 6 7	Q During the time period that you were B. FINKELSTEIN without a title did you have any job duties? A No. Q So can you please explain what you would do when you came to work during this six-month period?
2 3 4 5 6 7 8	about that conversation. B. FINKELSTEIN A Okay. So again, I was the midshift manager. I was replaced by someone to take that position. I was left without a title for a number of months. And one of our biggest problems in that warehouse you want me to tell you about my conversation with Kevin?	2 3 4 5 6 7 8	Q During the time period that you were B. FINKELSTEIN without a title did you have any job duties? A No. Q So can you please explain what you would do when you came to work during this six-month period? A That's a very good question. I
2 3 4 5 6 7 8	about that conversation. B. FINKELSTEIN A Okay. So again, I was the midshift manager. I was replaced by someone to take that position. I was left without a title for a number of months. And one of our biggest problems in that warehouse you want me to tell you about my conversation with Kevin? Q. Correct.	2 3 4 5 6 7 8	Q During the time period that you were B. FINKELSTEIN without a title did you have any job duties? A No. Q So can you please explain what you would do when you came to work during this six-month period? A That's a very good question. I realized it was like sink or swim so I had to find
2 3 4 5 6 7 8 9	about that conversation. B. FINKELSTEIN A Okay. So again, I was the midshift manager. I was replaced by someone to take that position. I was left without a title for a number of months. And one of our biggest problems in that warehouse you want me to tell you about my conversation with Kevin? Q Correct. A All right. So I ended up working the	2 3 4 5 6 7 8 9	Q During the time period that you were B. FINKELSTEIN without a title did you have any job duties? A No. Q So can you please explain what you would do when you came to work during this six-month period? A That's a very good question. I realized it was like sink or swim so I had to find something that was going to make a difference, and
2 3 4 5 6 7 8 9 10	about that conversation. B. FINKELSTEIN A Okay. So again, I was the midshift manager. I was replaced by someone to take that position. I was left without a title for a number of months. And one of our biggest problems in that warehouse you want me to tell you about my conversation with Kevin? Q Correct. A All right. So I ended up working the inventory control, getting more knowledge, and I	2 3 4 5 6 7 8 9 10	Q During the time period that you were B. FINKELSTEIN without a title did you have any job duties? A No. Q So can you please explain what you would do when you came to work during this six-month period? A That's a very good question. I realized it was like sink or swim so I had to find something that was going to make a difference, and I went out, and I decided where do we need the
2 3 4 5 6 7 8 9 10 11	about that conversation. B. FINKELSTEIN A Okay. So again, I was the midshift manager. I was replaced by someone to take that position. I was left without a title for a number of months. And one of our biggest problems in that warehouse you want me to tell you about my conversation with Kevin? Q Correct. A All right. So I ended up working the inventory control, getting more knowledge, and I think Kevin recognized that I was doing you	2 3 4 5 6 7 8 9 10 11	Q During the time period that you were B. FINKELSTEIN without a title did you have any job duties? A No. Q So can you please explain what you would do when you came to work during this six-month period? A That's a very good question. I realized it was like sink or swim so I had to find something that was going to make a difference, and I went out, and I decided where do we need the help most, and I knew our inventory was a bit of a
2 3 4 5 6 7 8 9 10 11 12 13	about that conversation. B. FINKELSTEIN A Okay. So again, I was the midshift manager. I was replaced by someone to take that position. I was left without a title for a number of months. And one of our biggest problems in that warehouse you want me to tell you about my conversation with Kevin? Q Correct. A All right. So I ended up working the inventory control, getting more knowledge, and I think Kevin recognized that I was doing you know, my work was improving things in the	2 3 4 5 6 7 8 9 10 11 12 13	Q During the time period that you were B. FINKELSTEIN without a title did you have any job duties? A No. Q So can you please explain what you would do when you came to work during this six-month period? A That's a very good question. I realized it was like sink or swim so I had to find something that was going to make a difference, and I went out, and I decided where do we need the help most, and I knew our inventory was a bit of a mess. So I offered my help to Tonisha and in the
2 3 4 5 6 7 8 9 10 11 12 13 14	about that conversation. B. FINKELSTEIN A Okay. So again, I was the midshift manager. I was replaced by someone to take that position. I was left without a title for a number of months. And one of our biggest problems in that warehouse you want me to tell you about my conversation with Kevin? Q Correct. A All right. So I ended up working the inventory control, getting more knowledge, and I think Kevin recognized that I was doing you know, my work was improving things in the warehouse and asked me to take over that part of	2 3 4 5 6 7 8 9 10 11 12 13 14	Q During the time period that you were B. FINKELSTEIN without a title did you have any job duties? A No. Q So can you please explain what you would do when you came to work during this six-month period? A That's a very good question. I realized it was like sink or swim so I had to find something that was going to make a difference, and I went out, and I decided where do we need the help most, and I knew our inventory was a bit of a mess. So I offered my help to Tonisha and in the process learned a lot about how that whole end of
2 3 4 5 6 7 8 9 10 11 12 13 14 15	about that conversation. B. FINKELSTEIN A Okay. So again, I was the midshift manager. I was replaced by someone to take that position. I was left without a title for a number of months. And one of our biggest problems in that warehouse you want me to tell you about my conversation with Kevin? Q Correct. A All right. So I ended up working the inventory control, getting more knowledge, and I think Kevin recognized that I was doing you know, my work was improving things in the warehouse and asked me to take over that part of inventory for cycle counters.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q During the time period that you were B. FINKELSTEIN without a title did you have any job duties? A No. Q So can you please explain what you would do when you came to work during this six-month period? A That's a very good question. I realized it was like sink or swim so I had to find something that was going to make a difference, and I went out, and I decided where do we need the help most, and I knew our inventory was a bit of a mess. So I offered my help to Tonisha and in the process learned a lot about how that whole end of the business works.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	about that conversation. B. FINKELSTEIN A Okay. So again, I was the midshift manager. I was replaced by someone to take that position. I was left without a title for a number of months. And one of our biggest problems in that warehouse you want me to tell you about my conversation with Kevin? Q. Correct. A. All right. So I ended up working the inventory control, getting more knowledge, and I think Kevin recognized that I was doing you know, my work was improving things in the warehouse and asked me to take over that part of inventory for cycle counters. Q. When were you without a title?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q During the time period that you were B. FINKELSTEIN without a title did you have any job duties? A No. Q So can you please explain what you would do when you came to work during this six-month period? A That's a very good question. I realized it was like sink or swim so I had to find something that was going to make a difference, and I went out, and I decided where do we need the help most, and I knew our inventory was a bit of a mess. So I offered my help to Tonisha and in the process learned a lot about how that whole end of the business works. Q Is that something that you did on your
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	about that conversation. B. FINKELSTEIN A Okay. So again, I was the midshift manager. I was replaced by someone to take that position. I was left without a title for a number of months. And one of our biggest problems in that warehouse you want me to tell you about my conversation with Kevin? Q Correct. A All right. So I ended up working the inventory control, getting more knowledge, and I think Kevin recognized that I was doing you know, my work was improving things in the warehouse and asked me to take over that part of inventory for cycle counters. Q When were you without a title? A Um, mid 2018.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q During the time period that you were B. FINKELSTEIN without a title did you have any job duties? A No. Q So can you please explain what you would do when you came to work during this six-month period? A That's a very good question. I realized it was like sink or swim so I had to find something that was going to make a difference, and I went out, and I decided where do we need the help most, and I knew our inventory was a bit of a mess. So I offered my help to Tonisha and in the process learned a lot about how that whole end of the business works. Q Is that something that you did on your own?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	about that conversation. B. FINKELSTEIN A Okay. So again, I was the midshift manager. I was replaced by someone to take that position. I was left without a title for a number of months. And one of our biggest problems in that warehouse you want me to tell you about my conversation with Kevin? Q Correct. A All right. So I ended up working the inventory control, getting more knowledge, and I think Kevin recognized that I was doing you know, my work was improving things in the warehouse and asked me to take over that part of inventory for cycle counters. Q When were you without a title? A Um, mid 2018. Q Until when?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q During the time period that you were B. FINKELSTEIN without a title did you have any job duties? A No. Q So can you please explain what you would do when you came to work during this six-month period? A That's a very good question. I realized it was like sink or swim so I had to find something that was going to make a difference, and I went out, and I decided where do we need the help most, and I knew our inventory was a bit of a mess. So I offered my help to Tonisha and in the process learned a lot about how that whole end of the business works. Q Is that something that you did on your own? A Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	about that conversation. B. FINKELSTEIN A Okay. So again, I was the midshift manager. I was replaced by someone to take that position. I was left without a title for a number of months. And one of our biggest problems in that warehouse you want me to tell you about my conversation with Kevin? Q Correct. A All right. So I ended up working the inventory control, getting more knowledge, and I think Kevin recognized that I was doing you know, my work was improving things in the warehouse and asked me to take over that part of inventory for cycle counters. Q When were you without a title? A Um, mid 2018. Q Until when? A I would say probably the beginning of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q During the time period that you were B. FINKELSTEIN without a title did you have any job duties? A No. Q So can you please explain what you would do when you came to work during this six-month period? A That's a very good question. I realized it was like sink or swim so I had to find something that was going to make a difference, and I went out, and I decided where do we need the help most, and I knew our inventory was a bit of a mess. So I offered my help to Tonisha and in the process learned a lot about how that whole end of the business works. Q Is that something that you did on your own? A Yes. Q Was Kevin Randall involved in the your
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	about that conversation. B. FINKELSTEIN A Okay. So again, I was the midshift manager. I was replaced by someone to take that position. I was left without a title for a number of months. And one of our biggest problems in that warehouse you want me to tell you about my conversation with Kevin? Q Correct. A All right. So I ended up working the inventory control, getting more knowledge, and I think Kevin recognized that I was doing you know, my work was improving things in the warehouse and asked me to take over that part of inventory for cycle counters. Q When were you without a title? A Um, mid 2018. Q Until when? A I would say probably the beginning of 2019 so probably about six months.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q During the time period that you were B. FINKELSTEIN without a title did you have any job duties? A No. Q So can you please explain what you would do when you came to work during this six-month period? A That's a very good question. I realized it was like sink or swim so I had to find something that was going to make a difference, and I went out, and I decided where do we need the help most, and I knew our inventory was a bit of a mess. So I offered my help to Tonisha and in the process learned a lot about how that whole end of the business works. Q Is that something that you did on your own? A Yes. Q Was Kevin Randall involved in the your decision to offer your help to Tonisha?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	about that conversation. B. FINKELSTEIN A Okay. So again, I was the midshift manager. I was replaced by someone to take that position. I was left without a title for a number of months. And one of our biggest problems in that warehouse you want me to tell you about my conversation with Kevin? Q. Correct. A. All right. So I ended up working the inventory control, getting more knowledge, and I think Kevin recognized that I was doing you know, my work was improving things in the warehouse and asked me to take over that part of inventory for cycle counters. Q. When were you without a title? A. Um, mid 2018. Q. Until when? A. I would say probably the beginning of 2019 so probably about six months. Q. Why were you without a title for that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q During the time period that you were B. FINKELSTEIN without a title did you have any job duties? A No. Q So can you please explain what you would do when you came to work during this six-month period? A That's a very good question. I realized it was like sink or swim so I had to find something that was going to make a difference, and I went out, and I decided where do we need the help most, and I knew our inventory was a bit of a mess. So I offered my help to Tonisha and in the process learned a lot about how that whole end of the business works. Q Is that something that you did on your own? A Yes. Q Was Kevin Randall involved in the your decision to offer your help to Tonisha? A No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	about that conversation. B. FINKELSTEIN A Okay. So again, I was the midshift manager. I was replaced by someone to take that position. I was left without a title for a number of months. And one of our biggest problems in that warehouse you want me to tell you about my conversation with Kevin? Q. Correct. A. All right. So I ended up working the inventory control, getting more knowledge, and I think Kevin recognized that I was doing you know, my work was improving things in the warehouse and asked me to take over that part of inventory for cycle counters. Q. When were you without a title? A. Um, mid 2018. Q. Until when? A. I would say probably the beginning of 2019 so probably about six months. Q. Why were you without a title for that period of time?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q During the time period that you were B. FINKELSTEIN without a title did you have any job duties? A No. Q So can you please explain what you would do when you came to work during this six-month period? A That's a very good question. I realized it was like sink or swim so I had to find something that was going to make a difference, and I went out, and I decided where do we need the help most, and I knew our inventory was a bit of a mess. So I offered my help to Tonisha and in the process learned a lot about how that whole end of the business works. Q Is that something that you did on your own? A Yes. Q Was Kevin Randall involved in the your decision to offer your help to Tonisha? A No. Q Were any other managers at Southern
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	about that conversation. B. FINKELSTEIN A Okay. So again, I was the midshift manager. I was replaced by someone to take that position. I was left without a title for a number of months. And one of our biggest problems in that warehouse you want me to tell you about my conversation with Kevin? Q Correct. A All right. So I ended up working the inventory control, getting more knowledge, and I think Kevin recognized that I was doing you know, my work was improving things in the warehouse and asked me to take over that part of inventory for cycle counters. Q When were you without a title? A Um, mid 2018. Q Until when? A I would say probably the beginning of 2019 so probably about six months. Q Why were you without a title for that period of time? A How much time do you have?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q During the time period that you were B. FINKELSTEIN without a title did you have any job duties? A No. Q So can you please explain what you would do when you came to work during this six-month period? A That's a very good question. I realized it was like sink or swim so I had to find something that was going to make a difference, and I went out, and I decided where do we need the help most, and I knew our inventory was a bit of a mess. So I offered my help to Tonisha and in the process learned a lot about how that whole end of the business works. Q Is that something that you did on your own? A Yes. Q Was Kevin Randall involved in the your decision to offer your help to Tonisha? A No. Q Were any other managers at Southern involved in your decision to offer your help to
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	about that conversation. B. FINKELSTEIN A Okay. So again, I was the midshift manager. I was replaced by someone to take that position. I was left without a title for a number of months. And one of our biggest problems in that warehouse you want me to tell you about my conversation with Kevin? Q. Correct. A. All right. So I ended up working the inventory control, getting more knowledge, and I think Kevin recognized that I was doing you know, my work was improving things in the warehouse and asked me to take over that part of inventory for cycle counters. Q. When were you without a title? A. Um, mid 2018. Q. Until when? A. I would say probably the beginning of 2019 so probably about six months. Q. Why were you without a title for that period of time?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q During the time period that you were B. FINKELSTEIN without a title did you have any job duties? A No. Q So can you please explain what you would do when you came to work during this six-month period? A That's a very good question. I realized it was like sink or swim so I had to find something that was going to make a difference, and I went out, and I decided where do we need the help most, and I knew our inventory was a bit of a mess. So I offered my help to Tonisha and in the process learned a lot about how that whole end of the business works. Q Is that something that you did on your own? A Yes. Q Was Kevin Randall involved in the your decision to offer your help to Tonisha? A No. Q Were any other managers at Southern

Page 25 Page 27 1 Q Describe for me what happened when you There were pallets all over the warehouse that 2 B. FINKELSTEIN 2 B. FINKELSTEIN 3 3 went to offer your help to Tonisha? weren't in proper locations that you can visibly 4 A She was open-armed about it. She was see walking through the warehouse. Other reports 5 like absolutely. She will never turn away help. 5 that come up when we short product to customers. 6 And then I pretty much -- with her help and some 6 You know, they order and we don't get certain 7 7 other people that I knew were masters and the items out to them. That's a result of inventory 8 8 system that we use as WMI system, just started to issues so there are a plethora. 9 learn. 9 Q Was there a specific time when you 10 10 When did you offer your help to noticed that these inventory issues got worse or 11 Tonisha Durant? 11 developed? It was probably early 2019 in that 12 12 Α A Its been bad for as long as I can 13 13 remember especially since we went -- even prior to 14 Q You testified earlier, and I want to 14 WMI because everything was on paper then, but the 15 clarify this, that from mid 2008 until the 15 WMI system was a struggle for everyone, and it beginning of 2019 you were without a title? created growing pains, created a lot of problems. 16 16 17 17 A No. In 2008 until --Q Did the problems with inventory 18 Q I'm sorry. 2018. Did I say 2008? 18 increase or decrease in your opinion when WMI was 19 19 first implemented? A Yes. Sorry. I meant to say 2018. 20 A When it first was implemented it 20 Q 21 21 Α Okav. probably increased. 22 22 Q And now the level of inventory issues Q So you just testified that from mid 23 2018 until the beginning of 2019 you were without 23 or problems that there are, could you compare that 24 24 at all to the way that it was before WMI was 25 25 A I would say yes. That would be about implemented? Page 26 Page 28 1 right. Mid 2018. I am going by the best of my 1 A Well, before WMI was implemented it 2 B. FINKELSTEIN 2 B. FINKELSTEIN 3 3 recollection, but yes, that would be about right. was hard to see what the issues were because 4 It is about six months. 4 everything was on paper. So that would be a touch 5 Q And the first time you offered your 5 comparison. I mean, now compared to five years 6 help to Tonisha Durant was in January of 2019? 6 ago or so when we started up we are in much better 7 A Maybe it was earlier. It definitely 7 shape. 8 8 could have been earlier, yes. Q Now at Southern do you have the 9 Q Did you approach Tonisha Durant 9 authority to discipline any employees? 10 shortly after you learned that you were without a 10 A I can start the ball rolling on a 11 title? 11 discipline, but I can't make a decision as to the 12 Α Yes. 12 final -- decision that is made. 13 About how long after that? Q 13 Q Describe how you get the ball rolling. 14 A Well, if an employee is not following 14 15 Is it fair to say then that it is more 15 the rules and regs whether it is attendance issues 16 likely that you approached her in the middle of 16 or performance issues, et cetera, I coach and 17 2018? 17 counsel and eventually if needed I start 18 Yes, I would say. 18 corrective action. What problems did you think there were 19 19 Q How many employees now can you start with the inventory when you approached Tonisha 20 20 the ball rolling for discipline? 21 Durant? 21 A I have about 40 on my shift. 22 A There were issues at night that were a 22 Who are these 40? 23 result of inventory issues during production. If 23 They are all warehouse men. 24 inventory is incorrect there are issues that hit 24 Q Have you had disciplinary authority 25 the production side, so that was evident to me. 25 over anyone other than a warehouse man?

Page 29 Page 31 A Yes. 1 position back in May 2018. 2 B. FINKELSTEIN 2 B. FINKELSTEIN Q When did you have disciplinary 3 3 Q We already clarified that in mid 2018 4 authority over someone else? 4 you were without a title, correct? 5 A During that year and a half that I was 5 A Okay. Mid or late 2018. I am really 6 supervising the cycle counters team I had the 6 not sure of the dates, but I guess it would have 7 7 authority with them. been later. I believe I was without a title maybe 8 Q And just to clarify, that year and a 8 for a few months, but I am really not sure of the 9 half that you had disciplinary authority over the 9 dates. 10 10 cycle counting team, from mid 2018 until January Q You testified earlier that you were of 2020? 11 without a title from the middle of 2018 until 11 12 January of 2019. Is that correct to the best of 12 A Yes. 13 Q Other than that period of time did you 13 your recollection? 14 ever have disciplinary authority over anyone other 14 A To the best of my recollection. 15 MS. CABRERA: Objection. Objection to 15 than a warehouse man? the mischaracterization. He said several 16 A No. 16 17 17 times about the time that he doesn't know When you were the midshift operations 18 18 manager how many warehouse men did you supervise? the exact time. It is around that time, and 19 you are presenting it to him that he said it 19 A Around the same amount of time 40 20 20 years. was this exact time, and that is not what he 21 Q And when you were the night shift 21 has said several times in the record. 22 operations manager how many warehouse men did you 22 MR. MOSER: Okay. He already answered 23 23 so that's fine. supervise? 24 Q So at what point did Kevin Randall 24 It was approximately 80. 25 talk to you about supervising the inventory 25 When you were given disciplinary Page 30 Page 32 1 authority over the cycle counters was there 1 control clerks? 2 B. FINKELSTEIN 2 B. FINKELSTEIN 3 3 anything in writing that was given to you with Again, it was probably sometime late 4 regard to that assignment? 4 2018. 5 A No. 5 Q Is that your best approximation? 6 6 Q Have you seen any documents that shows Α That would be my best approximation, 7 7 or concerns your -- withdrawn. Have you seen any yes. 8 document that shows that you had disciplinary 8 Q Tell me about that conversation, 9 authority over the inventory control clerks? 9 everything that you can remember about that 10 A A document? Not that I can recall. 10 conversation. 11 11 Q Have you ever seen a document that A I really don't remember too much about 12 concerns your disciplinary authority over the 12 it. I do remember that there were some issues 13 with cycle counters, two in particular, and there 13 inventory control clerks? 14 14 was some action that needed to be taken, and if I A That concerns it? 15 believe that that is probably what started the Q Such as an E-mail, a text message, or 15 conversation with Kevin, but I really don't any other documents that concern your supervisory 16 16 17 remember the specifics. 17 authority over the inventory control clerks? 18 Q You said that action needed to be 18 A Not that I can recall. In meetings, 19 yes but verbally, yes, but I don't recall anything 19 taken with regard to two specific cycle counters? 20 Α Yes. 20 in writing. 21 Which ones? 21 Q And the meetings that you had O 22 I don't remember their last names. 22 regarding your disciplinary authority over the 23 They are no longer -- they were both terminated. 23 inventory control clerks, when was the first 24 One was Raoul. I don't remember his last name, 24 meeting that you can recall having? 25 and the other one was Anthony, and I don't 25 A I would say it was just when I got the

Page 33 Page 35 1 O And then to the best of your 1 remember his last name. 2 2 B. FINKELSTEIN B. FINKELSTEIN 3 Q Who had been supervising the cycle 3 recollection in late 2018 either Tonisha Durant or 4 counters before Kevin Randall approached you? Kevin Randall approached you about supervising the 5 5 inventory control clerks, is that correct? A I believe it was Tonisha. 6 A Correct. 6 Is that based upon your personal 7 7 knowledge, what you saw and what you heard? And tell me all that you can remember 8 A No. I think that it had to be Tonisha 8 about these conversations or that conversation. 9 because she was the only one in that department at 9 MS. CABRERA: Objection. 10 10 A Again, there isn't much that I that point. 11 remember about the specifics of the conversation 11 Q She was the only one in which 12 outside of just some gratitude from Tonisha 12 department at that point? 13 A In inventory control. 13 because she needed help. 14 O So let's talk about the middle of 14 Q Is Maria Suarez still employed by 2018. In the middle of 2018 there was an 15 Southern? 15 A To the best of my knowledge no. 16 inventory control department? 16 17 17 Q How long after Maria Suarez was no A There has always been one. 18 In the middle of 2018 how many people 18 longer employed by Southern were you given 19 were in the inventory control department? 19 supervisory authority over the inventory control clerks? 20 20 MS. CABRERA: I am going to object to the form of the question. You can answer 21 A I don't know the date of when she left 21 22 22 so it would be from that date until late 2018. the question. Q I will show you something. It is not 23 Α I think, four. 23 24 Who were they? 24 marked as an exhibit. This is a letter from the Q 25 25 That would be Tonisha, Ena Scott, Human Resources Department. And in the lower Page 34 Page 36 right-hand corner. There is a Bate stamp SGWS 1 Tatiana Herdocia, and Justin Veigh. 1 2 B. FINKELSTEIN 2 B. FINKELSTEIN 3 3 001483. I would like you to take a minute to look Q Describe for me the conversation that 4 you had with Kevin Randall in late 2018 about 4 at this document, and then I will have a question 5 supervising the inventory control clerks? 5 for you about it. 6 6 MS. CABRERA: Objection. MS. CABRERA: Are you using this to 7 A Um, again I don't really recall the 7 enter it as an exhibit, or are you using it 8 8 exact conversation. I believe that he discussed to refresh his recollection? 9 this with Toshina before he asked me to assume 9 MR. MOSER: To refresh his 10 that role. Honestly it might have been Toshina 10 recollection. 11 that asked me. Kevin and I weren't really 11 Okay. Does this refresh your recollection as 12 speaking too much back then. 12 to when Maria Suarez left the employment with 13 Q So to the best of your recollection 13 14 you were without a title in the beginning of mid 14 Southern? 15 A Well, it tells me April of 2018 so --2018 and several weeks later you offered your help 15 16 Does that sound right to you? to Tonisha Durant, correct? Q 16 17 I would guess so. 17 A Yes. Q And so from approximately April -- is 18 18 Q After you offered your help to it fair to say from April of 2018 until late 2018 19 Tonisha what did you do on a regular basis? 19 20 Tonisha Durant supervised the inventory control 20 A Mostly started getting educated. I clerks? I'm sorry. Is it fair to say that from 21 21 didn't really dive into the department quite yet. 22 approximately April of 2018 until late 2018 22 I just started learning, taking a deeper dive into 23 Tonisha Durant supervised the cycle counters? 23 the program. 24 A To the best of my knowledge, yes. 24 Q Into what program? And your authority to discipline and 25 25 Α WMI.

your daily activities included from the time that guess it was sometime early 2019 who had both the guess it was sometime early 2019 who had both the guess it was sometime early 2019 who had both the guest it was sometime early 2019 who had both them, I think they were friends and they were the purtil analyzary 6 2020 relative from the time that you approached Tonisha Durant to offer her you help until analyzary 6 2020 revery day. As they did their just had to analyze the reports that came back to me that impacted inventory. A Yes. A Herl evel counters. I gave them their work every day. As they did their just had to analyze the reports that came back to me that impacted inventory. A Yes. A Her role in WMI every din in inventory? A Her role in WMI every din in inventory? A Her role in WMI every din in inventory? A Her role in WMI every din in inventory? A Her role in WMI every din in inventory? A Her role in WMI every din in inventory? A Her role in WMI every din in inventory? A Her role in WMI every din in inventory? A Her role in WMI every din in inventory? A Her role in WMI every din inventory. A Her were eyele counting reports when there are variances, so those are reports that would come back to me if there was a variance, something was wrong. A Well, she is brilliant with it. She B FINKELSTEIN A Well, she is brilliant with it. She B FINKELSTEIN A Herleve it was Maria. A I believe it was Maria. A I believe it was Maria. A Yes. A Yes. A Yes. A Yes. A Yes. A Yes, A Not was the it was greater than that specified amount then the system would and anything over or above is that threshold and anything over or above is that threshold and anything over or or under that threshold? A Scoutent or it was greater from the sale price? A Cocasionally they will ask me questions. I really don't contact them for anything. They will occasionally ask me questions about maybe a count on a specific product or to double check a specific product, but they work 20 double check a specific		Page 37		Page 39
2 B. FINKELSTEIN 3 A Yes, to the best of my recollection. 4 Q And did you ever have to get the ball 5 rolling with regard to any cycle counters? 6 A Yes. 7 Q Describe for me what happened. 8 A Well, it was two cycle counters that 9 we hired. If I had to guess - again, it is a 10 guess it was sometime early 2019 who had - both 11 of them, I think they were friends and they were 12 having attendance issues, performance issues. 13 Q Who hired these cycle counters? 14 A I believe Kevin Randall hired both of 15 them. 16 Q Are you familiar with the WMI system? 17 A Yes. 18 Q What is your understanding of Tonisha 19 Durarls role in WMI? 20 MS. CABRERA: Objection. You can 21 answer. 22 A Her role in WMI or in inventory? 23 Q In inventory. 24 A And WMI? 25 Q Yes. 26 A Well, she is brilliant with it. She 27 B ENFINKELSTEIN 28 B FINKELSTEIN 29 C Yes. 27 A Use of the served of inventory 29 A See of the served of inventory 20 In which they cycle counters did a physical count and there was a counting? 20 A Yes. 21 A Well, she is brilliant with it. She 29 B FINKELSTEIN 20 Day ou know who would be handling inventory control before Tonisha? 20 A Yes. 21 Q Do you know who would be handling inventory control before Tonisha? 22 A A Torrew was a variance, is owned the warehoused or you deal with anyone from accounting? 29 A Yes. 20 Day ou know who would be handling inventory control before Tonisha? 20 A Yes. 21 Q In your role as operations manager in the warehoused oy ou deal with anyone from accounting? 21 A Not really. Very infrequently. 22 A Occasionally she will ask me questions about maybe a count on a specific product, but they work 22 and out maybe a count on a specific product to to double check a specific product, but they work 22 mostly with Tonishs a counters? 23 about maybe a count on a specific product, but they work 24 and will an advance of the warehoused or you deal with anyone from accounting? 25 Q For what reasons would you have to deal with someone from accounting? 26 A Ocasionally ske me questions about maybe a	1	supervise the cycle counters began in late 2018?	1	A No. That I wouldn't know.
4	2		2	B. FINKELSTEIN
5 rolling with regard to any cycle counters? 6 A Yes. 6 A Yes. 7 Q Describe for me what happened. 7 A I don't know. 9 Who is that? 9 Who is that? 9 Who is that? 9 Yes. 10 Gampati a final time that you approached Tonisha Durant to offer her you having attendance issues, performance issues. 10 Gampati a final time that you approached Tonisha Durant to offer her you help until January of 2020? A Well, store the time that you approached Tonisha Durant to offer her you help until January of 2020? A Well, cover day. As they did their job I had to analyse to every day. As they did the every day to every day. As they did the every day to every day. As they did	3	A Yes, to the best of my recollection.	3	Q Is there an inventory manager in the
6 A Yes. 7 Q Describe for me what happened. 8 A Well, it was two cycle counters that 9 we hired. If I had to guess - again, it is a 10 guess it was sometime early 2019 who had both 11 of them, I think they were friends and they were 12 having attendance issues, performance issues. 13 Q Who hired these cycle counters? 14 A I believe Kevin Randall hired both of 15 them. 16 Q Are you familiar with the WMI system? 17 A Yes. 18 Q What is your understanding of Tonisha 19 Durard's role in WMI? 20 MS. CABRERA: Objection. You can 21 answer. 22 A Her role in WMI or in inventory? 23 Q In inventory. 24 A And WMI? 25 Q Yes. Page 38 1 A Well, she is brilliant with it. She 2 B. FINKELSTEIN 3 handles pretty much every aspect of inventory 4 control issues. 4 Q Is there an accounting department at 5 Q Is there an accounting department at 9 Southern? 10 A Yes. 11 Q In your role as operations manager in 12 the warehouse do you deal with anyone from 13 accounting? 14 A Not really. Very infrequently. 15 Q For what reasons would you have to 16 deal with someone from accounting? 16 double check a specific product or to 20 double check a specific product or to 21 double check a specific product or to 22 mostly with Tonisha Durant to offer her you belounted from the time that a you approached Tonisha Durant to offer her you help until January of 2020? A Well, evertually activities included from the time that a you approached Tonisha Durant to offer her you help until January of 2020? A Well, evertually activities included from the time that the worked directly with the cycle counters. I gave them their work every day. As they did heir job! had to analyze the reports that came back to me that impacted inventory. Q What reports would they get back to you? A There were cycle counters the the reports that twould come back to me that impacted inventory. Q What reports would the variances have to be to every aspect of inventory. 24 A not wall. Page 38 Page 41 within a certain percentage of what was in the system would are cycle	4	Q And did you ever have to get the ball	4	accounting department?
7 Q Describe for me what happened. 8 A Well, it was two cycle counters that where in the first of them, I think they users a regain, it is a guess it was sometime early 2019 who had – both of them, I think they were riends and they were having attendance issues, performance issues. 13 Q Who hired these cycle counters? 14 A I believe Kevin Randall hired both of them. 15 them. 16 Q Are you familiar with the WMI system? 17 A Yes. 18 Q What is your understanding of Tonisha 19 Durant's role in WMI? 20 MS. CABRERA: Objection. You can answer. 21 answer. 22 A Her role in WMI or in inventory? 23 Q In inventory. 24 A And WMI? 25 Q Yes. Page 38 Page 41 A Well, she is brilliant with it. She B. FINKELSTEIN 3 handles pretty much every aspect of inventory control issues. 5 Q Do you know who would be handling inventory control issues. 5 Q Do you know who would be handling inventory control issues. 5 Q Do you know who would be handling inventory control issues. 5 Q Do you know who would be handling inventory control issues. 6 Q Is there an accounting department at Southern? 9 A There were cycle counting reports when there are variances, so those are reports that would come back to me if there was a variance, is something was wrong. 2 Q How big would the variances have to be to — withdrawn. Is it fair to say that if the cycle counters did a physical count and there was variance, is a proper of the cycle counters did a physical count and there was brian. Page 41 A Delieve it was Maria. 6 Q Is there an accounting department at Southern? 9 A There were cycle counting reports when there are variances, so those are reports that would come back to me if there was a variance, is something was wrong. 2 Q How big would the variances have to be to — withdrawn. Is it fair to say that if the cycle counters did a physical count and there was variance, is a fair to say that it would automatically accept that count? A Correct. Q If it was — if it was greater than that specifica mount then the system would have to get analyzed. It wouldn	5	rolling with regard to any cycle counters?	5	A I believe that there is.
8 A Well, it was two cycle counters that 9 we hired. If I had to guess – again, it is a 10 guess it was sometime early 2019 who had – both 11 of them, I think they were friends and they were 12 having attendance issues, performance issues. 13 Q Who hired these cycle counters? 14 A I believe Kevin Randall hired both of 15 them. 16 Q Are you familiar with the WMI system? 17 A Yes. 18 Q What is your understanding of Tonisha 19 Durant's role in WMI? 20 MS, CABRERA: Objection. You can 21 answer. 22 A Her role in WMI or in inventory? 23 Q In inventory. 24 A And WMI? 25 Q Yes. Page 38 1 A Well, she is brilliant with it. She 2 B. FINKELSTEIN 3 handles pretty much every aspect of inventory 4 control issues. 5 Q Do you know who would be handling 6 inventory control before Tonisha? 6 inventory control before Tonisha? 7 A I believe it was Maria. 8 Q Is there an accounting department at 9 Southern? 10 A Yes. 11 Q In your role as operations manager in 12 the warehouse do you deal with anyone from 13 accounting? 14 A Not really. Very infrequently. 15 Q For what reasons would you have to 16 deal with someone from accounting? 17 A Occasionally they will ask me 18 questions. I really don't contact them for 19 anything. They will occasionally ask me questions about maybe a count on a specific product or to 20 double check a specific product, but they work 22 mostly with Tonisha. 24 A Cost. 25 Q Is it fair to say that it is now. 26 Is fair to say that it is now. 27 A Cost. 28 Q Is it fair to say that it is now. 29 Is fair to say that it is now. 20 Is fair to say that it is now. 20 Is fair to say that it is now. 21 Idon't know if it was the same then. 22 I double check a specific product or to 23 double check a specific product, but they work 24 may a raproached Tonisha Duot help until January of 2020? 25 A Well, eventually I work dedirectly with the yord world ment and wevel every day. As they did their job I had to analyze the reports that came back to me that impacts of inventory. 29 A Her role in WMI or in inventory? 20 What	6	A Yes.	6	Q Who is that?
your daily activities included from the time that guess it was sometime early 2019 who had both 11 of them, I think they were friends and they were 12 having attendance issues, performance issues. 12 having attendance issues, performance issues. 13 Q Who hired these cycle counters? 14 A I believe Kevin Randall hired both of 15 them. 15 them. 15 Q Are you familiar with the WMI system? 16 Q Are you familiar with the WMI system? 17 A Yes. 17 Q What reports would they get back to 18 Q What is your understanding of Tonisha 19 Durant's role in WMI? 19 Durant's role in WMI? 19 Durant's role in WMI? 19 A There were cycle counting reports when there are variances, so those are reports that would come back to me if there was a variance, so something was wrong. 19 Q Yes. 19 Q What reports would they get back to 19 you? 20 A Her role in WMI or in inventory? 21 A Her role in WMI or in inventory? 22 A Her role in WMI or in inventory? 22 A And WMI? 24 A And WMI? 25 Q Yes. 25 Charles of the control issues. 26 Q Page 38 Page 44 Within a certain percentage of what was in the 29 B. FINKELSTEIN 19 Andles pretty much every aspect of inventory control before Tonisha? 19 Southern? 10 A Yes. 10 I believe it was Maria. 10 Q In your role as operations manager in 12 the warehouse do you deal with anyone from 12 accounting? 11 A Not really. Very infrequently. 12 Q For what reasons would you have to 16 deal with someone from accounting? 11 A Caccisonally they will ask me 18 questions. I really don't contact them for amything. They will coasionally ask me questions about maybe a count on a specific product or to double check a specific product, but they work 22 mostly with Tonisha. 23 more product could be less than a case?	7	Q Describe for me what happened.	7	A I don't know.
10 guess it was sometime early 2019 who had – both of them, I think they were friends and they were having attendance issues, performance issues. 12 A Well, eventually I worked directly with the cycle counters. I gave them their work every day. As they did their job I had to analyze the reports that came back to me that impacted inventory. 16 Q Are you familiar with the WMI system? 17 A Yes. 18 Q What is your understanding of Tonisha 18 Q What is your understanding of Tonisha 19 Durant's role in WMI? 20 MS. CABRERA: Objection. You can answer. 21 answer. 22 A Her role in WMI or in inventory? 23 Q In inventory. 24 A And WMI? 25 Q Yes. Page 38 1 A Well, she is brilliant with it. She 2 B. FINKELSTEIN 2 B. FINKELSTEIN 3 handles pretty much every aspect of inventory control issues. 3 Q Do you know who would be handling inventory control before Tonisha? 4 Correct. 5 Q Do you know who would be handling inventory control before Tonisha? 5 Q Is there an accounting department at Southern? 10 A Yes. 11 Q In your role as operations manager in the warehouse do you deal with anyone from accounting? 11 A Nell, very infrequently. 12 deal with someone from accounting? 13 accounting? 14 A Not really. Very infrequently. 15 Q For what reasons would you have to deal with someone from accounting? 16 deal with someone from accounting? 17 A Occasionally they will ask me questions. I really don't contact them for anything. They will occasionally ask me questions about maybe a count on a specific product or to double check a specific product, but they work are reported than the sale price? 18 A Well, she is brilliant with it. She is prince anything. They will occasionally ask me questions about maybe a count on a specific product or to double check a specific product, but they work are one product could be less than a case?	8		8	` '
11 of them, I think they were friends and they were having attendance issues, performance issues. 12 having attendance issues, performance issues. 13 Q Who hired these cycle counters? 14 A I believe Kevin Randall hired both of them. 15 them. 16 Q Are you familiar with the WMI system? 17 A Yes. 18 Q What is your understanding of Tonisha 18 Q What is your understanding of Tonisha 19 Durant's role in WMI? 20 MS. CABRERA: Objection. You can 21 answer. 21 answer. 22 A Her role in WMI or in inventory? 23 Q In inventory. 24 A And WMI? 25 Q Yes. Page 38 1 A Well, she is brilliant with it. She 2 B. FINKELSTEIN 3 handles pretty much every aspect of inventory control issues. Page 38 1 A Well, she is brilliant with it. She 3 handles pretty much every aspect of inventory control before Tonisha? 4 Correct. 5 Q Do you know who would be handling inventory control before Tonisha? 5 A I believe it was Maria. 6 Q Is there an accounting department at Southern? 10 A Yes. 11 Q In your role as operations manager in the warehouse do you deal with anyone from 2 accounting? 14 A Not really. Very infrequently. 15 Q For what reasons would you have to 6 deal with someone from accounting? 16 Q For what reasons would you have to 6 deal with someone from accounting? 17 A Caccasionally they will ask me questions. I really don't contact them for anything. They will occasionally ask me questions about maybe a count on a specific product or to double check a specific product, but they work 22 mostly with Tonisha. 18 Durant's role in WMI? 19 A There were cycle counters late the reports that came back to me that impacted inventory and the reports that came back to me that impacted inventory and the reports that came back to me that inventory and the reports that came back to me that inventory and the reports that came back to me that inventory and the reports that came back to me that inventory and the reports that came back to me that inventors and there are variances, so those are reports that would come back to me if there was a variance, i	9	<u> </u>	9	
12 having attendance issues, performance issues. 13 Q Who hired these cycle counters? 14 A I believe Kevin Randall hired both of 15 them. 15 them. 16 Q Are you familiar with the WMI system? 17 A Yes. 18 Q What is your understanding of Tonisha 19 Durant's role in WMI? 20 MS. CABRERA: Objection. You can 21 answer. 22 A Her role in WMI or in inventory? 23 Q In inventory. 24 A And WMI? 25 Q Yes. 26 Q Yes. 27 Q In with the cycle counters. I gave them their work every day. As they did their job I had to analyze the reports that came back to me that impacted inventory. 20 MS. CABRERA: Objection. You can answer. 21 answer. 22 A Her role in WMI or in inventory? 23 Q In inventory. 24 A And WMI? 25 Q Yes. 26 Q Yes. 27 Q In with the with it. She 28 B. FINKELSTEIN 29 A Well, she is brilliant with it. She 30 In the very aspect of inventory control before Tonisha? 31 A I believe it was Maria. 32 Q Is there an accounting department at Southern? 33 Southern? 34 A Yes. 35 Q In your role as operations manager in the warehouse do you deal with anyone from accounting? 36 deal with someone from accounting? 37 A Occasionally they will ask me questions about maybe a count on a specific product or to double check a specific product, but they work are some product could be less than a case?	10	-	10	you approached Tonisha Durant to offer her your
13 Q Who hired these cycle counters? 14 A I believe Kevin Randall hired both of 15 them. 16 Q Are you familiar with the WMI system? 17 A Yes. 18 Q What is your understanding of Tonisha 19 Durant's role in WMI? 20 MS. CABRERA: Objection. You can 21 answer. 22 A Her role in WMI or in inventory? 23 Q In inventory. 24 A And WMI? 25 Q Yes. Page 38 1 A Well, she is brilliant with it. She 2 B. FINKELSTEIN 3 handles pretty much every aspect of inventory 4 control issues. 4 Q Do you know who would be handling 6 inventory control before Tonisha? 7 A I believe it was Maria. 9 Q Is there an accounting department at 9 Q Is there an accounting department at 10 Q In your role as operations manager in 11 Q In your role as operations manager in 12 the warehouse do you deal with anyone from 13 accounting? 14 A Not really. Very infrequently. 15 Q For what reasons would you have to 16 deal with someone from accounting? 17 A Occasionally they will ask me 18 questions. I really don't contact them for 19 anything. They will occasionally ask me questions 20 about maybe a count on a specific product, but they work 21 Q Is it fair to say that if the severe would automatically accept that count? 22 A Her role in WMI or in inventory? 23 Q In inventory. 24 A And WMI? 25 Q Do you know who would be handling 26 inventory control before Tonisha? 27 A I believe it was Maria. 38 Q Is there an accounting department at 39 Southern? 30 A Yes. 31 Q In your role as operations manager in 31 A Not really. Very infrequently. 31 Q For what reasons would you have to 32 deal with someone from accounting? 33 quantification inventory. 34 A Not really. Very infrequently. 35 q Is the reports would they get back to 36 q Hor would at the more of there was a variance, is onthere are variances, so those are reports that would account and there was a variance, is onthere are variances, so those are reports that would account in a paye in there was a variance, is onthere are variances, so those are reports that wo	11		11	
14 A I believe Kevin Randall hired both of them. 15 them. 16 Q Are you familiar with the WMI system? 17 A Yes. 18 Q What is your understanding of Tonisha 19 Durant's role in WMI? 20 MS. CABRERA: Objection. You can answer. 21 answer. 22 A Her role in WMI or in inventory? 23 Q In inventory. 24 A And WMI? 25 Q Yes. Page 38 Page 41 A Well, she is brilliant with it. She B. FINKELSTEIN 3 handles pretty much every aspect of inventory control issues. 4 Q Is there an accounting department at the warehouse do you deal with anyone from accounting? 4 Q In over role as operations manager in the warehouse do you deal with anyone from accounting? 4 A Not really. Very infrequently. 4 Q For what reasons would you have to double check a specific product, but they work anostly with Tonisha. 2 devery day. As they did their job I had to analyze the reports that came back to me that impacted inventory. 2 devery day. As they did their job I had to analyze the reports that came back to me that impacted inventory. 2 devery day. As they did their job I had to analyze the reports that came back to me that impacted inventory. 3 Q What reports would they get back to you? 4 A There were cycle countring reports when there are variances, so those are reports that would dome back to me that impacted inventory. 2 devery day. As they did their job I had to analyze the reports that came back to me that impacted inventory. 4 A There were cycle countring reports when there are variances, so those are reports when there are variances, is officed would dome back to me if there was a variance, is something as worng. 2 Q How big would the variances have to be to withdrawn. Is it fair to say that if the cycle counters did a physical count and there was a variance, is something was wrong. 2 Q How big would the variances to withdrawn. Is it fair to say that if the win-intered in the ere variances, is once	12		12	
them. 15	13		13	
16 Q Are you familiar with the WMI system? 17 A Yes. 18 Q What is your understanding of Tonisha 19 Durant's role in WMI? 20 MS. CABRERA: Objection. You can 21 answer. 22 A Her role in WMI or in inventory? 23 Q In inventory. 24 A And WMI? 25 Q Yes. 26 Page 38 27 Page 38 28 Page 40 1 A Well, she is brilliant with it. She 29 B. FINKELSTEIN 20 B. FINKELSTEIN 21 within a certain percentage of what was in the 22 B. FINKELSTEIN 23 handles pretty much every aspect of inventory 24 control issues. 25 Q Do you know who would be handling 26 inventory control before Tonisha? 27 A I believe it was Maria. 28 Q Is there an accounting department at 29 Southern? 20 Do you vance with anyone from 21 A Yes. 22 A Her role in WMI or in inventory? 23 Q How big would the variances have to be to withdrawn. Is it fair to say that if the cycle counters did a physical count and there was a variance, is ownething was wrong. 29 Within a certain percentage of what was in the 20 B. FINKELSTEIN 30 handles pretty much every aspect of inventory 40 control issues. 41 Within a certain percentage of what was in the 42 B. FINKELSTEIN 43 Stytem as being in inventory, that the system would automatically accept that count? 44 Would automatically accept that count? 45 A Correct. 46 Q If it was if it was greater than 47 that specified amount then the system would reject that cycle count? 48 the warehouse do you deal with anyone from accounting? 40 A Not really. Very infrequently. 41 A Not really. Very infrequently. 42 A Not really very infrequently. 43 A Cocasionally they will ask me questions. I really don't contact them for anything. They will occasionally ask me questions. I really don't contact them for anything. They will occasionally ask me questions about maybe a count on a specific product or to double check a specific product, but they work 20 Q Is if fair to say that the \$250 for some product could be less than a case?	14	A I believe Kevin Randall hired both of	14	
17 A Yes. 18 Q What is your understanding of Tonisha 19 Durant's role in WMI? 20 MS. CABRERA: Objection. You can 21 answer. 22 A Her role in WMI or in inventory? 23 Q In inventory. 24 A And WMI? 25 Q Yes. Page 38 1 A Well, she is brilliant with it. She 2 B, FINKELSTEIN 3 handles pretty much every aspect of inventory 4 control issues. 5 Q D you know who would be handling 6 inventory control before Tonisha? 7 A I believe it was Maria. 8 Q Is there an accounting department at 9 Southern? 10 A Yes. 11 Q In your role as operations manager in 12 the warehouse do you deal with anyone from 13 accounting? 14 A Not really. Very infrequently. 15 Q For what reasons would you have to 16 deal with someone from accounting? 17 A Occasionally they will ask me 18 questions. I really don't contact them for 19 anything. They will occasionally ask me questions 20 about maybe a count on a specific product, but they work 21 Q Is it fair to say that if theyound the variances, so those are reports when there are variances, so those are reports when there are variances, so those are reports that would come back to me if there was a variance, is something was wrong. 20 there are variances, so those are reports that would come back to me if there was a variance, is something was wrong. 21 would come back to me if there was a variance, is something was wrong. 22 by there are variances, so those are reports that would come back to me if there was a variance, is something was wrong. 22 by there are variances, so those are reports that would come back to me if there was a variance, is something was wrong. 23 Q How big would the variances have to be to evide counters did a physical count and there was durance, is something was wrong. 24 to - withdrawn. Is it fair to say that if the cycle counters did a physical count and there was a variance, is something was durance, is something was vrong. 24 to - withdrawn. Is it fair to say that the System would accounting reports that the averaince, is something was promate in the variances, a variance	15	them.	15	the reports that came back to me that impacted
18 Q What is your understanding of Tonisha 19 Durant's role in WMI? 20 MS. CABRERA: Objection. You can 21 answer. 22 A Her role in WMI or in inventory? 23 Q In inventory. 24 A And WMI? 25 Q Yes. 26 Page 38 27 Page 38 28 Page 40 29 Page 40 20 What is your understanding of Tonisha 20 MS. CABRERA: Objection. You can 21 answer. 22 A Her role in WMI or in inventory? 23 Q How big would the variances have to be to withdrawn. Is it fair to say that if the cycle counters did a physical count and there was a variance, in the cycle counters did a physical count and there was a variance, in the cycle counters did a physical count and there was a variance, in the cycle counters did a physical count and there was a variance, in the cycle counters did a physical count and there was a variance, in the cycle counters did a physical count and there was a variance, in the cycle counters did a physical count and there was a variance, in the cycle counters did a physical count and there was a variance, in the cycle counters did a physical count and there was a variance, in the cycle counters did a physical count and there was a variance, in the cycle counters did a physical count and there was a variance, in the cycle counters did a physical count and there was a variance, in the cycle counters did a physical count and there was a variance, in the cycle counters did a physical count and there was a variance, in the cycle counters did a physical count and there was a variance, in the cycle counters did a physical count and there was a variance, in the cycle counters did a physical count and there was a variance, in the cycle counter did a physical count and there was a variance, in the cycle counters did a physical count and there was a variance, in the cycle counter did a physical count and there was a variance, in the cycle counter did a physical count and there was a variance, in the cycle counter did a physical count and there was a variance, in the cycle counter did a physical count and there was a vari			l .	•
Durant's role in WMI? MS. CABRERA: Objection. You can answer. A Her role in WMI or in inventory? A And WMI? A And WMI? A Well, she is brilliant with it. She B. FINKELSTEIN A Well, she is brilliant with it. She B. FINKELSTEIN A Well, she is brilliant with it. She B. FINKELSTEIN A I believe it was Maria. A Yes. A Yes. A Yes. A Yes. A Not really. Very infrequently. A Not really. Very infrequently. A Not really. Very infrequently. A Coracionally they will ask me questions about maybe a count on a specific product, but they work a could be less than a case? A Her role in WMI or in inventory? A Cost. A Her role in WMI or in inventory? 20 Mow big would the variances, so those are reports that there was a variance, is would come back to me if there was a variance, is something was wrong. 21 would come back to me if there was a variance, is something was wrong. 22 something was wrong. 23 Q How big would the variances have to be to				• • • • • • • • • • • • • • • • • • • •
MS. CABRERA: Objection. You can answer. 21 answer. 22 A Her role in WMI or in inventory? 23 Q In inventory. 24 A And WMI? 25 Q Yes. 26 Page 38 27 Page 38 28 Page 40 29 Within a certain percentage of what was in the B. FINKELSTEIN 3 handles pretty much every aspect of inventory 4 control issues. 4 Dejovo know who would be handling inventory control before Tonisha? 5 Q Do you know who would be handling inventory control before Tonisha? 6 inventory control before Tonisha? 7 A I believe it was Maria. 8 Q Is there an accounting department at Southern? 10 A Yes. 11 Q In your role as operations manager in the warehouse do you deal with anyone from accounting? 14 A Not really. Very infrequently. 15 Q For what reasons would you have to deal with someone from accounting? 16 A Occasionally they will ask me questions. I really don't contact them for anything. They will occasionally ask me questions. I really don't contact them for anything. They will occasionally ask me questions about maybe a count on a specific product, but they work accounted with a page and page accounting be account on a specific product, but they work account on a specific product or to account on a specific product, but they work account on a specific product or to account on a specific product or to account on a specific product, but they work account on account on a specific product or to account on a specifi	18		18	-
21 answer. 22 A Her role in WMI or in inventory? 23 Q In inventory. 24 A And WMI? 25 Q Yes. 26 Page 38 Page 38 Page 40 1 A Well, she is brilliant with it. She 2 B. FINKELSTEIN 3 handles pretty much every aspect of inventory 4 control issues. 5 Q Do you know who would be handling 6 inventory control before Tonisha? 7 A I believe it was Maria. 8 Q Is there an accounting department at 9 Southern? 10 A Yes. 11 Q In your role as operations manager in 12 the warehouse do you deal with anyone from 13 accounting? 14 A Not really. Very infrequently. 15 Q For what reasons would you have to deal with someone from accounting? 16 A Occasionally they will ask me 17 Q In youll come back to me if there was a variance, is something was wrong. 22 something was wrong. 23 Q How big would the variances have to be to withdrawn. Is it fair to say that if the cycle countrand there was a variance, is something was wrong. 24 to withdrawn. Is it fair to say that if the cycle countrand there was a variance, is something was wrong. 24 to withdrawn. Is it fair to say that if the cycle countrand there was a variance, is something was wrong. 25 Q How big would the variances have to be to withdrawn. Is it fair to say that if the cycle countrand there was do withdrawn. Is it fair to say that if the cycle countrand there was do withdrawn. Is it fair to say that the system would rever within a certain percentage of what was in the cycle countrand the system would automatically accept that country? A I believe it was Maria. 7 A I believe it was Maria. 8 Q Is there an accounting department at that specified amount then the system would reject that cycle count? 8 A It wouldn't reject it. It was greater or less than so anything yes. There is a threshold, and anything over or above is that threshold would have to get analyzed. It would not get rejected. 15 Q Okay. What was the threshold? 16 A \$250. I mean, that is what it is now. 17 I don't know if it was the same then. 18 Q It fair to say that the \$250 for some p			l .	5 & 1
22 A Her role in WMI or in inventory? 23 Q In inventory. 24 A And WMI? 25 Q Yes. 26 Page 38 Page 40 1 A Well, she is brilliant with it. She 2 B. FINKELSTEIN 3 handles pretty much every aspect of inventory 4 control issues. 4 Q Do you know who would be handling 6 inventory control before Tonisha? 7 A I believe it was Maria. 8 Q Is there an accounting department at 9 Southern? 10 A Yes. 11 Q In your role as operations manager in 11 the warehouse do you deal with anyone from 12 the warehouse do you deal with anyone from 13 accounting? 14 A Not really. Very infrequently. 15 Q For what reasons would you have to 16 deal with someone from accounting? 17 A Occasionally they will ask me 18 questions. I really don't contact them for 19 anything. They will occasionally ask me questions 20 about maybe a count on a specific product, but they work 21 double check a specific product, but they work 22 mostly with Tonisha. Page 38 Page 40 within a certain percentage of what was in the 25 within a certain percentage of what was in the 26 usthin a certain percentage of what was in the 27 within a certain percentage of what was in the 28 B. FINKELSTEIN 3 system as being in inventory, that the system would automatically accept that count? 4 Correct. Q If it was if it was greater than 2 that specified amount then the system would reject that cycle count? A It wouldn't reject it. It was greater 3 or less than so anything yes. There is a threshold, and anything over or above is that threshold well, over or under that threshold? 4 would have to get analyzed. It would not get rejected. Q Okay. What was the threshold? 4 A S250. I mean, that is what it is now. 1 I don't know if it was the same then. Q The \$250 that relates to the cost or the sale price? A Cost. Q Is it fair to say that the \$250 for some product could be less than a case?		MS. CABRERA: Objection. You can	l .	
Q In inventory. 24 A And WMI? 25 Q Yes. Page 38 Page 38 Page 40 A Well, she is brilliant with it. She B. FINKELSTEIN A handles pretty much every aspect of inventory control issues. Q Do you know who would be handling inventory control before Tonisha? A I believe it was Maria. Q Is there an accounting department at Southern? A Yes. Q In your role as operations manager in the warehouse do you deal with anyone from A Not really. Very infrequently. Q For what reasons would you have to deal with someone from accounting? A Occasionally they will ask me questions. I really don't contact them for anything. They will occasionally ask me questions about maybe a count on a specific product, but they work 23 Q How big would the variances have to be to withdrawn. Is it fair to say that if the cycle counters did a physical count and there was to the cycle counters did a physical count and there was the the cycle counters did a physical count and there was to suit if the cycle counters did a physical count and there was to swith any sit if the cycle counters did a physical count and there was to swith any sit if the cycle counters did a physical count and there was the the cycle counters did a physical count and there was the the cycle counters did a physical count and there was to say that if the cycle counters did a physical count and there was to say that if the cycle counters did a physical count and there was the system would automatically accept that count? A Correct. Q If it was if it was greater than that specified amount then the system would reject that cycle count? A It wouldn't reject it. It was greater or less than so anything yes. There is a threshold, and anything over or above is that threshold well, over or under that threshold would have to get analyzed. It would not get rejected. Q Okay. What was the threshold? A \$250. I mean, that is what it is now. I don't know if it was the same then. Q The \$250 that relates to the cost or the sale price? A Cost. Q Is it fair to say that th				
Page 38 Page 38 Page 38 Page 40 A Well, she is brilliant with it. She B. FINKELSTEIN B. FINK	22			<u> </u>
Page 38 Page 38 Page 40 A Well, she is brilliant with it. She B. FINKELSTEIN B				
Page 38 Page 40 A Well, she is brilliant with it. She B. FINKELSTEIN B. FINESLESTEIN B. FIN			l .	
1 A Well, she is brilliant with it. She 2 B. FINKELSTEIN 3 handles pretty much every aspect of inventory 4 control issues. 5 Q Do you know who would be handling 6 inventory control before Tonisha? 6 inventory control before Tonisha? 7 A I believe it was Maria. 8 Q Is there an accounting department at 9 Southern? 10 A Yes. 11 Q In your role as operations manager in 12 the warehouse do you deal with anyone from 13 accounting? 14 A Not really. Very infrequently. 15 Q For what reasons would you have to 16 deal with someone from accounting? 17 A Occasionally they will ask me 18 questions. I really don't contact them for 19 anything. They will occasionally ask me questions 20 about maybe a count on a specific product or to 21 double check a specific product, but they work 22 mostly with Tonisha. 1 within a certain percentage of what was in the 2 B. FINKELSTEIN 3 system as being in inventory, that the system 4 would automatically accept that count? 5 A Correct. 6 Q If it was if it was greater than 7 that specified amount then the system would reject that cycle count? 9 A It wouldn't reject it. It was greater 10 or less than so anything yes. There is a 11 threshold, and anything over or above is that 12 threshold well, over or under that threshold would have to get analyzed. It would not get 14 A Not really. Very infrequently. 15 Q Okay. What was the threshold? 16 A \$250. I mean, that is what it is now. 17 I don't know if it was the same then. 18 Q The \$250 that relates to the cost or 19 anything. They will occasionally ask me questions 20 about maybe a count on a specific product or to 20 A Cost. 21 Q Is it fair to say that the \$250 for some product could be less than a case?	25	Q Yes.	25	cycle counters did a physical count and there was
2 B. FINKELSTEIN 3 handles pretty much every aspect of inventory 4 control issues. 5 Q Do you know who would be handling 6 inventory control before Tonisha? 7 A I believe it was Maria. 8 Q Is there an accounting department at 9 Southern? 10 A Yes. 11 Q In your role as operations manager in 12 the warehouse do you deal with anyone from 13 accounting? 14 A Not really. Very infrequently. 15 Q For what reasons would you have to 16 deal with someone from accounting? 17 A Occasionally they will ask me 18 questions. I really don't contact them for 19 anything. They will occasionally ask me questions 20 about maybe a count on a specific product, but they work 21 double check a specific product, but they work 22 some product could be less than a case?		Page 38		Page 40
2 B. FINKELSTEIN 3 handles pretty much every aspect of inventory 4 control issues. 5 Q Do you know who would be handling 6 inventory control before Tonisha? 6 inventory control before Tonisha? 7 A I believe it was Maria. 8 Q Is there an accounting department at 9 Southern? 10 A Yes. 11 Q In your role as operations manager in 12 the warehouse do you deal with anyone from 13 accounting? 14 A Not really. Very infrequently. 15 Q For what reasons would you have to 16 deal with someone from accounting? 17 A Occasionally they will ask me 18 questions. I really don't contact them for 19 anything. They will occasionally ask me questions 20 double check a specific product, but they work 21 Q Is it fair to say that the \$250 for 22 some product could be less than a case?	1	A Well, she is brilliant with it. She	1	within a certain percentage of what was in the
4 control issues. G Do you know who would be handling inventory control before Tonisha? A I believe it was Maria. G Is there an accounting department at G In your role as operations manager in C In your role as operations as onything over or above is that threshold, and anything over or under that threshold C In your role as operations would have to get analyzed. It would not get C In your or under that threshold C In your or above is that C In your or under that threshold C In your or under that threshold C In your or least that cycle count? C In your o	2	B. FINKELSTEIN	2	
5 Q Do you know who would be handling 6 inventory control before Tonisha? 7 A I believe it was Maria. 8 Q Is there an accounting department at 9 Southern? 9 A It wouldn't reject it. It was greater 10 A Yes. 11 Q In your role as operations manager in 12 the warehouse do you deal with anyone from 13 accounting? 14 A Not really. Very infrequently. 15 Q For what reasons would you have to 16 deal with someone from accounting? 17 A Occasionally they will ask me 18 questions. I really don't contact them for 19 anything. They will occasionally ask me questions 20 about maybe a count on a specific product, but they work 22 mostly with Tonisha. 5 A Correct. 6 Q If it was if it was greater than 7 that specified amount then the system would reject that specified amount then the specified amount then the system would reject that specified amount then the system would reject that specified amount then the specified amount then that specified amount then that specified amount then the specified amount then the specifi	3	handles pretty much every aspect of inventory	3	system as being in inventory, that the system
inventory control before Tonisha? A I believe it was Maria. Q Is there an accounting department at Southern? A Yes. In your role as operations manager in A Not really. Very infrequently. Q For what reasons would you have to deal with someone from accounting? A Occasionally they will ask me questions. I really don't contact them for anything. They will occasionally ask me questions and I believe it was Maria. R I believe it was Maria. R I believe it was Maria. R I that specified amount then the system would reject that specified amount then the system would reject that cycle count? R A It wouldn't reject it. It was greater 10 or less than so anything yes. There is a 11 threshold, and anything over or above is that threshold well, over or under that threshold would have to get analyzed. It would not get 14 rejected. Q Okay. What was the threshold? A \$250. I mean, that is what it is now. I don't know if it was the same then. Q The \$250 that relates to the cost or 19 anything. They will occasionally ask me questions 20 about maybe a count on a specific product or to 21 double check a specific product, but they work 22 would have to get analyzed. It would not get 13 threshold, and anything over or above is that 14 threshold, and anything over or under that threshold 15 Q Okay. What was the threshold? A \$250. I mean, that is what it is now. 16 A Cost. Q Is it fair to say that the \$250 for some product could be less than a case?	4	control issues.	4	would automatically accept that count?
A I believe it was Maria. Q Is there an accounting department at Southern? A Yes. In your role as operations manager in A Not really. Very infrequently. Q For what reasons would you have to deal with someone from accounting? A Occasionally they will ask me questions. I really don't contact them for about maybe a count on a specific product, but they work double check a specific product, but they work A It wouldn't reject it. It was greater that specified amount then the system would reject that specified amount then the system to all that cycle count? A It wouldn't reject it. It was greater threshold, and anything over or above is that threshold well, over or under that threshold account appear to a specific product or a bout analyting over or above is that threshold, and anything yes. There is a threshold, and anything yes. There is a threshold accounter in threshold, and anything yes. There is a section or less than a case?	5	Q Do you know who would be handling	5	A Correct.
8 Q Is there an accounting department at 9 Southern? 10 A Yes. 11 Q In your role as operations manager in 12 the warehouse do you deal with anyone from 13 accounting? 14 A Not really. Very infrequently. 15 Q For what reasons would you have to 16 deal with someone from accounting? 17 A Occasionally they will ask me 18 questions. I really don't contact them for 19 anything. They will occasionally ask me questions 20 about maybe a count on a specific product, but they work 21 double check a specific product, but they work 22 mostly with Tonisha. 8 that cycle count? 9 A It wouldn't reject it. It was greater 10 or less than so anything.—yes. There is a 11 threshold, and anything over or above is that 12 threshold well, over or under that threshold 13 would have to get analyzed. It would not get 14 rejected. 15 Q Okay. What was the threshold? 16 A \$250. I mean, that is what it is now. 17 I don't know if it was the same then. 18 Q The \$250 that relates to the cost or 19 about maybe a count on a specific product or to 20 A Cost. 21 double check a specific product, but they work 22 some product could be less than a case?	6	inventory control before Tonisha?	6	Q If it was if it was greater than
9 Southern? 10 A Yes. 11 Q In your role as operations manager in 12 threshold, and anything over or above is that 13 accounting? 14 A Not really. Very infrequently. 15 Q For what reasons would you have to 16 deal with someone from accounting? 17 A Occasionally they will ask me 18 questions. I really don't contact them for 19 anything. They will occasionally ask me questions 20 about maybe a count on a specific product or to 21 double check a specific product, but they work 22 mostly with Tonisha. 9 A It wouldn't reject it. It was greater 10 or less than so anything yes. There is a 11 threshold, and anything over or above is that 12 threshold well, over or under that threshold 13 would have to get analyzed. It would not get 14 rejected. 15 Q Okay. What was the threshold? 16 A \$250. I mean, that is what it is now. 17 I don't know if it was the same then. 18 Q The \$250 that relates to the cost or 19 anything. They will occasionally ask me questions 20 A Cost. 21 double check a specific product, but they work 21 Q Is it fair to say that the \$250 for some product could be less than a case?	7	A I believe it was Maria.	7	that specified amount then the system would reject
10 A Yes. 11 Q In your role as operations manager in 12 the warehouse do you deal with anyone from 13 accounting? 14 A Not really. Very infrequently. 15 Q For what reasons would you have to 16 deal with someone from accounting? 17 A Occasionally they will ask me 18 questions. I really don't contact them for 19 anything. They will occasionally ask me questions 20 about maybe a count on a specific product or to 21 double check a specific product, but they work 22 mostly with Tonisha. 10 or less than so anything yes. There is a 11 threshold, and anything over or above is that 12 threshold, and anything over or above is that 13 would have to get analyzed. It would not get 14 rejected. 15 Q Okay. What was the threshold? 16 A \$250. I mean, that is what it is now. 17 I don't know if it was the same then. 18 Q The \$250 that relates to the cost or 19 about maybe a count on a specific product or to 20 A Cost. 21 double check a specific product, but they work 22 some product could be less than a case?	8	Q Is there an accounting department at	8	that cycle count?
11 Q In your role as operations manager in 12 threshold, and anything over or above is that 12 the warehouse do you deal with anyone from 13 accounting? 14 A Not really. Very infrequently. 15 Q For what reasons would you have to 16 deal with someone from accounting? 16 deal with someone from accounting? 17 A Occasionally they will ask me 18 questions. I really don't contact them for 19 anything. They will occasionally ask me questions 20 about maybe a count on a specific product or to 21 double check a specific product, but they work 22 mostly with Tonisha. 11 threshold, and anything over or above is that 12 threshold, and anything over or above is that 14 threshold, and anything over or above is that 15 threshold, and anything over or above is that 16 threshold, and anything over or above is that 17 threshold, and anything over or above is that 18 questions. It would not get 18 Q Okay. What was the threshold? 19 A \$250. I mean, that is what it is now. 19 I don't know if it was the same then. 20 The \$250 that relates to the cost or 20 A Cost. 21 double check a specific product, but they work 21 Q Is it fair to say that the \$250 for some product could be less than a case?	9	Southern?	9	
the warehouse do you deal with anyone from accounting? A Not really. Very infrequently. Q For what reasons would you have to deal with someone from accounting? A Occasionally they will ask me questions. I really don't contact them for anything. They will occasionally ask me questions about maybe a count on a specific product or to double check a specific product, but they work mostly with Tonisha. 12 threshold well, over or under that threshold would have to get analyzed. It would not get rejected. Q Okay. What was the threshold? A \$250. I mean, that is what it is now. I don't know if it was the same then. Q The \$250 that relates to the cost or the sale price? A Cost. Q Is it fair to say that the \$250 for some product could be less than a case?	10		10	
13 would have to get analyzed. It would not get 14 A Not really. Very infrequently. 15 Q For what reasons would you have to 16 deal with someone from accounting? 16 A \$250. I mean, that is what it is now. 17 A Occasionally they will ask me 18 questions. I really don't contact them for 19 anything. They will occasionally ask me questions 20 about maybe a count on a specific product or to 21 double check a specific product, but they work 22 mostly with Tonisha. 13 would have to get analyzed. It would not get 14 rejected. 15 Q Okay. What was the threshold? 16 A \$250. I mean, that is what it is now. 17 I don't know if it was the same then. 18 Q The \$250 that relates to the cost or 19 about maybe a count on a specific product or to 20 A Cost. 21 Q Is it fair to say that the \$250 for 22 some product could be less than a case?	11			
14 A Not really. Very infrequently. 15 Q For what reasons would you have to 16 deal with someone from accounting? 16 A \$250. I mean, that is what it is now. 17 A Occasionally they will ask me 18 questions. I really don't contact them for 19 anything. They will occasionally ask me questions 20 about maybe a count on a specific product or to 21 double check a specific product, but they work 22 mostly with Tonisha. 14 rejected. 15 Q Okay. What was the threshold? A \$250. I mean, that is what it is now. 17 I don't know if it was the same then. 18 Q The \$250 that relates to the cost or 19 the sale price? 20 A Cost. 21 Q Is it fair to say that the \$250 for 22 some product could be less than a case?				
Q For what reasons would you have to 15 Q Okay. What was the threshold? 16 deal with someone from accounting? 17 A Occasionally they will ask me 18 questions. I really don't contact them for 19 anything. They will occasionally ask me questions 20 about maybe a count on a specific product or to 21 double check a specific product, but they work 22 mostly with Tonisha. 15 Q Okay. What was the threshold? A \$250. I mean, that is what it is now. 17 I don't know if it was the same then. 18 Q The \$250 that relates to the cost or 19 the sale price? 20 A Cost. 21 Q Is it fair to say that the \$250 for 22 some product could be less than a case?		•		
deal with someone from accounting? A Occasionally they will ask me 18 questions. I really don't contact them for 19 anything. They will occasionally ask me questions 20 about maybe a count on a specific product or to 21 double check a specific product, but they work 22 mostly with Tonisha. 16 A \$250. I mean, that is what it is now. 17 I don't know if it was the same then. 18 Q The \$250 that relates to the cost or 19 the sale price? 20 A Cost. 21 Q Is it fair to say that the \$250 for 22 some product could be less than a case?			l .	=
A Occasionally they will ask me 18 questions. I really don't contact them for 19 anything. They will occasionally ask me questions 20 about maybe a count on a specific product or to 21 double check a specific product, but they work 22 mostly with Tonisha. 17 I don't know if it was the same then. 18 Q The \$250 that relates to the cost or 19 the sale price? 20 A Cost. 21 Q Is it fair to say that the \$250 for 22 some product could be less than a case?		The state of the s		
questions. I really don't contact them for anything. They will occasionally ask me questions about maybe a count on a specific product or to double check a specific product, but they work mostly with Tonisha. 18 Q The \$250 that relates to the cost or the sale price? A Cost. Q Is it fair to say that the \$250 for some product could be less than a case?			l .	
anything. They will occasionally ask me questions about maybe a count on a specific product or to about maybe a count of a specific product or to a specific product or			l .	
20 about maybe a count on a specific product or to 21 double check a specific product, but they work 22 mostly with Tonisha. 20 A Cost. 21 Q Is it fair to say that the \$250 for some product could be less than a case?			l .	
double check a specific product, but they work 21 Q Is it fair to say that the \$250 for mostly with Tonisha. 22 some product could be less than a case?				
22 mostly with Tonisha. 22 some product could be less than a case?				
·				
I 23 O Okay Do you know who from the 23 A Vec				
	23	Q Okay. Do you know who from the	23	A Yes.
24 accounting department works with Tonisha or deals 24 Q What happens when the difference				
25 with Tonisha primarily? 25 between the cycle counters' count and the amount	25	with Tonisha primarily?	25	between the cycle counters' count and the amount

Page 41 Page 43 that is recorded in inventory for a specific 1 1 cycle counters? 2 B. FINKELSTEIN 2 B. FINKELSTEIN 3 location in the warehouse is greater than \$250? 3 A I had no idea that they were renamed. 4 A It needs to be investigated. 4 I was under the impression cycle counters are 5 Describe to me how --5 Q clerks. A Um, there are a number of things that 6 Q So is it your understanding that cycle 6 7 7 counters are inventory control clerks? Is that need to be done. There is a report that tells you 8 if you are over or under on a dollar value of an 8 fair to say? 9 item. That's for the year. So you would look at 9 A Yes. 10 the report. Then you would do a full physical 10 Q So if I call them inventory control count of that item and every location in the clerks you know what I am talking about? 11 11 A Yes. 12 warehouse. 12 13 Q Who was responsible for doing the 13 Q Once you began supervising the 14 physical count of every location in the warehouse? 14 inventory control clerks how many counts were they A Um, cycle counters do it generally. doing on a daily basis of -- when I say counts I 15 15 mean locations in the warehouse? 16 If the cycle counters counted and 16 17 17 On a daily basis individually? they have a variance in excess of \$220 what Α 18 happens next? 18 Q 19 19 I would have to say 200, 250. A There could be a few things. I mean, Α when I had that position I would go on the floor And how many cycle counters --20 20 and double check their counts. I would just withdrawn. How many inventory control clerks did 21 21 eyeball them. If that strikes out we probably 22 you have when you were supervising them? 22 23 would not accept the counts and put a hold on it 23 Um, on paper there were five of them. 24 and enter another count for the following day. 24 How many of them were doing their 25 Q So what is a hold? 25 job? Page 42 Page 44 1 A It is a rejection of the count. And 1 A Three. 2 B. FINKELSTEIN 2 B. FINKELSTEIN 3 3 then it is a reentry to count it begin. So is it fair to say that you had 4 Q So when you had the supervisory 4 another at least 600 to 650 locations --5 authority over the inventory control clerks, if 5 Is it fair to say that you had between 600 and 6 they counted product and there was a variance in 6 750 locations in the warehouse being counted by 7 excess of \$250 you had the authority to reject 7 the three clerks that were doing their job? 8 8 that count and make them count it again? A I would say on average, yes. 9 Α Yes. 9 For how many of those locations was 10 How often did you do that? 10 there a variance? O 11 Every day. Often. 11 A (No answer). 12 Q Is it fair to say that the cycle 12 In excess of \$250? A I would say maybe 15 percent. 10 to 13 counters were not doing their jobs correctly that 13 that would create a lot of work for you as their 14 15 percent or maybe more. 14 15 Q What about the other two cycle supervisor? 15 16 counters? How were their counts in terms of --Α 16 withdrawn. The two cycle counters who were not 17 17 Q Describe how them not doing their job doing their job, how many locations were they 18 18 correctly would create work for you? 19 A Well, it would require them to spend 19 counting on a given day? 20 A That's a number of years ago. It is 20 more time or myself to go out on the floor to kind of hard to recall, but probably half of what 21 21 check and double check. they should have been doing. 22 Q On average when you were supervising 22 23 Q So between 100 to 125 locations? 23 the inventory control clerks -- withdrawn. Do you 24 Yes, I would say so. 24 understand that by inventory control clerks I mean 25 And what percentage of their counts 25 inventory control clerks who were later renamed as

Page 45 Page 47 1 were coming back with a variance in excess of 1 the variance can be in excess of \$250 would you B. FINKELSTEIN 2 2 B. FINKELSTEIN 3 \$250? 3 have time to do anything else? 4 A Probably about the same, 10 to 15 4 A Not too much. 5 5 How would you whittle down the counts? percent. 6 Q Just to clarify, when you had three 6 So when these reports come back there 7 inventory clerks doing their job and the two 7 is another report that tells me that I am over or 8 inventory clerks who were not doing their job they 8 under for the year on each item in the warehouse. 9 were counting approximately between -- 800 9 For instance, an item comes back as over 50 10 locations and 1,000 locations per day? 10 cases? I look at that report. If that report 11 A I would say that would be about max, shows me that I am short 50 cases then I accept 11 12 yes. 12 that count so I have to analyze. You have to 13 Q 10 to 15 percent of that would be on 13 spend a few minutes to analyze every one of those 14 the low end, 80 locations per day where there 14 variances and then make a decision before you go 15 would be a variance in excess of \$250, correct? 15 out counting. 16 A Yes. 16 Q So before you actually physically 17 Q And on the high end if it would be --17 count the inventory you had the decision to accept 18 it could be up to 150 locations per day where the 18 a particular variance? A Correct. 19 variance was in excess of \$150? 19 20 20 A \$250. Up to what amount was there a Q Let me say that again. Is it fair to 21 21 particular dollar value that you could accept a 22 say on the high end that it could be up to 150 22 variance for? 23 locations where the variance was in excess of \$250 23 A Maybe \$3,000. Something in that area, 24 24 I believe. per day? 25 25 A It could, but that would be high. Q When you were managing the inventory Page 46 Page 48 1 That would be -- that would not be too often that 1 control clerks did you ever have to use a hi-lo? B. FINKELSTEIN 2 B. FINKELSTEIN 2 3 3 A No. it would happen. 4 Q On average how many counts per day was 4 Q When you were managing the inventory 5 there a variance in excess of \$250? 5 control clerks did you ever use a cherry picker? 6 6 A I would say between 80 and 100. A You are not allowed to. The answer is 7 7 Q If you had to go to each one of those no because you can't. You are not allowed to. 8 8 Q Why can't you use a cherry picker? locations and count again for cycle counters can you approximate for me how long that would have 9 9 A It is a union rule. We can't touch 10 taken you? 10 product. We can't use machines. 11 Q If you wanted to physically count the 11 A day, an entire day. product that was not located on the floor how 12 Q If you were required to recount all of 12 13 13 the locations where the variance was in excess of would you do that? 14 14 A I couldn't. \$250 would you have time to do anything else? 15 Q Who would be able to do that? A If that is all I did? Again, 15 16 A A cycle counter. depending on how many there are and -- I mean, 16 17 Q Let's say the cycle counter keeps on 17 again, there is another report to look at where insisting that there is only X number of product 18 18 you can probably generally -- I can whittle down 19 half of those counts based on our year end reports 19 there and it is not an area that is accessible by 20 20 you and there is no explanation for the variance. so generally I am left with about half of that 21 What would you do? 21 that has to physically get counted. 22 A I would have a warehouse men pull the 22 Q But if you had to separately go to 23 pallet down unto the floor so we can take a visual 23 each and every -- if you could not whittle it 24 24 down, if you had to go to each and every location Q How long would that process take, 25 to double check the cycle counters' counts where

	Page 49		Page 51
1	getting the pallet from the elevated location to	1	there. I will go to that location, and I eyeball
2	B. FINKELSTEIN	2	B. FINKELSTEIN
3	the floor?	3	it, and see is there really nothing there. It was
4	A Five minutes, maybe.	4	like an obvious thing.
5	Q How many locations in the warehouse	5	Q Got you. Was there ever an instance
6	are accessible without a cherry picker?	6	where you had to personally physically recount the
7	A I couldn't even take a guess on that.	7	items that were in a location that was not located
8	Q What percentage of the locations in	8	on the floor of the warehouse when you were
9	the warehouse are accessible without a cherry	9	supervising the inventory control clerks?
10	picker?	10	A No, I couldn't.
11	A I would say 20 percent, 30 percent.	11	Q Was there ever an instance when you
12	Q Are accessible	12	were supervising the inventory control clerks in
13	A On the floor.	13	which they could not resolve a variance in excess
14	Q On the floor, okay. That would mean	14	of \$250 at one of those elevated locations?
15	between 70 and 80 percent of the inventory is not	15	A Sure.
16	accessible without a cherry picker, is that fair	16	Q How many times?
17	to say?	17	A Over the course of the year and a half
18	A Yes. I would say in that area.	18	or so?
19	Q Did Tonisha Durant have the authority	19	Q Yes.
20	to ask withdrawn. Did Tonisha Durant ever have	20	A Hundreds.
21	the authority to direct warehouse men?	21	Q What would you do when that happened?
22	A Unwritten, yes. They respect her and	22	A I would go to Tonisha.
23	if Tonisha asks someone to do something they will	23	Q What would Tonisha do?
24	do it.	24	A I have no idea.
25	Q To your knowledge did Toshina Durant	25	Q So on paper who was the manager of the
	Page 50		Page 52
1	ever have managerial authority over the warehouse	1	inventory control clerks during that year and a
2	B. FINKELSTEIN	2	B. FINKELSTEIN
3	men?	3	half period?
4	A To my knowledge, no.	4	A Ultimately it was Tonisha.
5	Q Was there ever an instance in which a	5	Q Was your supervisory role of the
6	warehouse men refused to take an instruction from	6	inventory control clerks ever put into writing?
7	Tonisha Durant?	7	A I don't think that it was.
8	A To the best of my knowledge, no.	8	Q Is it fair to say during the entire
9	Q Did you have the authority to direct	9	time that you supervised the inventory control
10	warehouse men in the performance of their duties?	10	clerks that Tonisha Durant was their manager?
11	A When I was working in inventory	11	A She was the manager of the department,
12	control?	12	but she did not really manage the cycle counters.
13	Q Yes.	13	They reported to me.
14	A Probably not.	14	Q Did they have performance
15	Q Okay. Was there ever an instance when	15	evaluations?
16	you were working in inventory control	16	A No. You are not allowed to do that.
17	withdrawn. Was there ever an instance when you	17	Q And after you stopped supervising the
18	were working in inventory control when you had to	18	inventory control clerks who started supervising
19	personally physically count product in a location	19 20	them at that point? A Tonisha.
20	that was not accessible from the floor?		
21	A I would make attempts.	21 22	Q Does she still supervise the inventory control clerks today?
22	Q What do you mean by making attempts?	23	A Yes.
23 24	A So a cycle counter goes to a location	24	Q I know we went over this earlier.
24 25	that is not on the floor, maybe a few levels up, and he his report comes back. There is nothing	25	You don't recall if it was Kevin Randall or
23	and he his report comes back. There is nothing	-	Tou don't recan in it was ixevin rangan or

	Page 53		Page 55
1		1	
2	Tonisha Durant who gave you supervisory authority B. FINKELSTEIN	2	Q Okay. How would you assign the work? B. FINKELSTEIN
3	over the inventory control clerks?	3	A WMI creates a file for every item that
4	A I think that they both discussed it	4	over the last 24 hours came in with issues that
5	together, but yes, I really don't recall who	5	triggers cycle counts.
6	specifically told me.	6	Q So it creates this file, right?
7	Q Tell me everything that you can recall	7	A Yes.
8	about them giving you this supervisory authority.	8	Q And then what happens next?
9	MS. CABRERA: Objection.	9	A Then I extract the information out of
10	A I really don't recall specifically	10	the file, separate it by how many cycle counters
11	what went on.	11	that I have for that day, split it up, and then
12	Q How about towards the end when you	12	they go out and do their counting.
13	stopped supervising the inventory control clerks?	13	Q Is there a regular does each
14	Why did you stop supervising them?	14	location have to be counted on a specific schedule
15	A I believe around December of 2019 or	15	at least once every quarter, or once a month, or
16	January of 2020, and the day shift manager was	16	once a week?
17	relocating to Texas, and Kevin asked me if I would	17	A For the entire warehouse had to be
18	be interested in taking over that position.	18	counted quarterly wall to wall.
19	Q What shift were you working when you	19	Q Is there still a physical inventory
20	were supervising the inventory control clerks?	20	done every single quarter?
21	A I was there at 7 a.m. and left at 5 or	21	A No.
22	5:30 p.m.	22	Q So how is the warehouse counted, the
23	Q Did someone offer you the day shift	23	entire warehouse counted quarterly, if you can
24	manager position?	24	explain?
25	A Yes.	25	A WMI keeps a record of every location
	11 100.		71 With Reeps a record of every location
	Page 54		Page 56
			<u> </u>
1	Q Who was that?	1	that was or was not counted so by the end of the
1 2	Q Who was that? B. FINKELSTEIN	1 2	
		l .	that was or was not counted so by the end of the
2	B. FINKELSTEIN A Kevin Randall. Q Describe for me what happened when	2	that was or was not counted so by the end of the B. FINKELSTEIN
2	B. FINKELSTEIN A Kevin Randall. Q Describe for me what happened when Sean Kelly left and when you were given the day	2	that was or was not counted so by the end of the B. FINKELSTEIN quarter you make sure that half of the ones that were not counted are counted before the end of that quarter.
2 3 4	B. FINKELSTEIN A Kevin Randall. Q Describe for me what happened when Sean Kelly left and when you were given the day shift manager position?	2 3 4	that was or was not counted so by the end of the B. FINKELSTEIN quarter you make sure that half of the ones that were not counted are counted before the end of that quarter. Q What else would you do as the
2 3 4 5	B. FINKELSTEIN A Kevin Randall. Q Describe for me what happened when Sean Kelly left and when you were given the day	2 3 4 5	that was or was not counted so by the end of the B. FINKELSTEIN quarter you make sure that half of the ones that were not counted are counted before the end of that quarter. Q What else would you do as the supervisor of the inventory control clerks?
2 3 4 5 6	B. FINKELSTEIN A Kevin Randall. Q Describe for me what happened when Sean Kelly left and when you were given the day shift manager position?	2 3 4 5 6	that was or was not counted so by the end of the B. FINKELSTEIN quarter you make sure that half of the ones that were not counted are counted before the end of that quarter. Q What else would you do as the supervisor of the inventory control clerks? A Just to make sure that they are
2 3 4 5 6 7	B. FINKELSTEIN A Kevin Randall. Q Describe for me what happened when Sean Kelly left and when you were given the day shift manager position? A Um, so Kelly went on a business trip	2 3 4 5 6 7	that was or was not counted so by the end of the B. FINKELSTEIN quarter you make sure that half of the ones that were not counted are counted before the end of that quarter. Q What else would you do as the supervisor of the inventory control clerks?
2 3 4 5 6 7 8	B. FINKELSTEIN A Kevin Randall. Q Describe for me what happened when Sean Kelly left and when you were given the day shift manager position? A Um, so Kelly went on a business trip to Texas for Southern and was offered a position.	2 3 4 5 6 7 8	that was or was not counted so by the end of the B. FINKELSTEIN quarter you make sure that half of the ones that were not counted are counted before the end of that quarter. Q What else would you do as the supervisor of the inventory control clerks? A Just to make sure that they are counting, that they are doing their jobs. There are other reports that tell me if someone had gaps
2 3 4 5 6 7 8	B. FINKELSTEIN A Kevin Randall. Q Describe for me what happened when Sean Kelly left and when you were given the day shift manager position? A Um, so Kelly went on a business trip to Texas for Southern and was offered a position. Kevin called me into his office late December I	2 3 4 5 6 7 8	that was or was not counted so by the end of the B. FINKELSTEIN quarter you make sure that half of the ones that were not counted are counted before the end of that quarter. Q What else would you do as the supervisor of the inventory control clerks? A Just to make sure that they are counting, that they are doing their jobs. There are other reports that tell me if someone had gaps between counts so it is supervising their
2 3 4 5 6 7 8 9	B. FINKELSTEIN A Kevin Randall. Q Describe for me what happened when Sean Kelly left and when you were given the day shift manager position? A Um, so Kelly went on a business trip to Texas for Southern and was offered a position. Kevin called me into his office late December I believe it was and asked me if I would be	2 3 4 5 6 7 8 9	that was or was not counted so by the end of the B. FINKELSTEIN quarter you make sure that half of the ones that were not counted are counted before the end of that quarter. Q What else would you do as the supervisor of the inventory control clerks? A Just to make sure that they are counting, that they are doing their jobs. There are other reports that tell me if someone had gaps between counts so it is supervising their performance, supervising their accuracy, make sure
2 3 4 5 6 7 8 9 10	B. FINKELSTEIN A Kevin Randall. Q Describe for me what happened when Sean Kelly left and when you were given the day shift manager position? A Um, so Kelly went on a business trip to Texas for Southern and was offered a position. Kevin called me into his office late December I believe it was and asked me if I would be interested in being promoted to the day shift ops	2 3 4 5 6 7 8 9 10	that was or was not counted so by the end of the B. FINKELSTEIN quarter you make sure that half of the ones that were not counted are counted before the end of that quarter. Q What else would you do as the supervisor of the inventory control clerks? A Just to make sure that they are counting, that they are doing their jobs. There are other reports that tell me if someone had gaps between counts so it is supervising their performance, supervising their accuracy, make sure they are at work on time, making sure they are
2 3 4 5 6 7 8 9 10 11 12	B. FINKELSTEIN A Kevin Randall. Q Describe for me what happened when Sean Kelly left and when you were given the day shift manager position? A Um, so Kelly went on a business trip to Texas for Southern and was offered a position. Kevin called me into his office late December I believe it was and asked me if I would be interested in being promoted to the day shift ops manager position.	2 3 4 5 6 7 8 9 10 11	that was or was not counted so by the end of the B. FINKELSTEIN quarter you make sure that half of the ones that were not counted are counted before the end of that quarter. Q What else would you do as the supervisor of the inventory control clerks? A Just to make sure that they are counting, that they are doing their jobs. There are other reports that tell me if someone had gaps between counts so it is supervising their performance, supervising their accuracy, make sure
2 3 4 5 6 7 8 9 10 11 12	B. FINKELSTEIN A Kevin Randall. Q Describe for me what happened when Sean Kelly left and when you were given the day shift manager position? A Um, so Kelly went on a business trip to Texas for Southern and was offered a position. Kevin called me into his office late December I believe it was and asked me if I would be interested in being promoted to the day shift ops manager position. Q Did that position have an increased	2 3 4 5 6 7 8 9 10 11 12 13	that was or was not counted so by the end of the B. FINKELSTEIN quarter you make sure that half of the ones that were not counted are counted before the end of that quarter. Q What else would you do as the supervisor of the inventory control clerks? A Just to make sure that they are counting, that they are doing their jobs. There are other reports that tell me if someone had gaps between counts so it is supervising their performance, supervising their accuracy, make sure they are at work on time, making sure they are
2 3 4 5 6 7 8 9 10 11 12 13	B. FINKELSTEIN A Kevin Randall. Q Describe for me what happened when Sean Kelly left and when you were given the day shift manager position? A Um, so Kelly went on a business trip to Texas for Southern and was offered a position. Kevin called me into his office late December I believe it was and asked me if I would be interested in being promoted to the day shift ops manager position. Q Did that position have an increased salary?	2 3 4 5 6 7 8 9 10 11 12 13 14	that was or was not counted so by the end of the B. FINKELSTEIN quarter you make sure that half of the ones that were not counted are counted before the end of that quarter. Q. What else would you do as the supervisor of the inventory control clerks? A. Just to make sure that they are counting, that they are doing their jobs. There are other reports that tell me if someone had gaps between counts so it is supervising their performance, supervising their accuracy, make sure they are at work on time, making sure they are taking breaks when they are supposed to,
2 3 4 5 6 7 8 9 10 11 12 13 14 15	B. FINKELSTEIN A Kevin Randall. Q Describe for me what happened when Sean Kelly left and when you were given the day shift manager position? A Um, so Kelly went on a business trip to Texas for Southern and was offered a position. Kevin called me into his office late December I believe it was and asked me if I would be interested in being promoted to the day shift ops manager position. Q Did that position have an increased salary? A Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14	that was or was not counted so by the end of the B. FINKELSTEIN quarter you make sure that half of the ones that were not counted are counted before the end of that quarter. Q What else would you do as the supervisor of the inventory control clerks? A Just to make sure that they are counting, that they are doing their jobs. There are other reports that tell me if someone had gaps between counts so it is supervising their performance, supervising their accuracy, make sure they are at work on time, making sure they are taking breaks when they are supposed to, attendance issues.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	B. FINKELSTEIN A Kevin Randall. Q Describe for me what happened when Sean Kelly left and when you were given the day shift manager position? A Um, so Kelly went on a business trip to Texas for Southern and was offered a position. Kevin called me into his office late December I believe it was and asked me if I would be interested in being promoted to the day shift ops manager position. Q Did that position have an increased salary? A Yes. Q What salary were you being paid when	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	that was or was not counted so by the end of the B. FINKELSTEIN quarter you make sure that half of the ones that were not counted are counted before the end of that quarter. Q. What else would you do as the supervisor of the inventory control clerks? A. Just to make sure that they are counting, that they are doing their jobs. There are other reports that tell me if someone had gaps between counts so it is supervising their performance, supervising their accuracy, make sure they are at work on time, making sure they are taking breaks when they are supposed to, attendance issues. Q. Did you do anything else other than
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	B. FINKELSTEIN A Kevin Randall. Q Describe for me what happened when Sean Kelly left and when you were given the day shift manager position? A Um, so Kelly went on a business trip to Texas for Southern and was offered a position. Kevin called me into his office late December I believe it was and asked me if I would be interested in being promoted to the day shift ops manager position. Q Did that position have an increased salary? A Yes. Q What salary were you being paid when you were supervising the inventory control clerks?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	that was or was not counted so by the end of the B. FINKELSTEIN quarter you make sure that half of the ones that were not counted are counted before the end of that quarter. Q. What else would you do as the supervisor of the inventory control clerks? A. Just to make sure that they are counting, that they are doing their jobs. There are other reports that tell me if someone had gaps between counts so it is supervising their performance, supervising their accuracy, make sure they are at work on time, making sure they are taking breaks when they are supposed to, attendance issues. Q. Did you do anything else other than what you just described when you were managing the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	B. FINKELSTEIN A Kevin Randall. Q Describe for me what happened when Sean Kelly left and when you were given the day shift manager position? A Um, so Kelly went on a business trip to Texas for Southern and was offered a position. Kevin called me into his office late December I believe it was and asked me if I would be interested in being promoted to the day shift ops manager position. Q Did that position have an increased salary? A Yes. Q What salary were you being paid when you were supervising the inventory control clerks? A I believe it was somewhere around 100.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	that was or was not counted so by the end of the B. FINKELSTEIN quarter you make sure that half of the ones that were not counted are counted before the end of that quarter. Q. What else would you do as the supervisor of the inventory control clerks? A. Just to make sure that they are counting, that they are doing their jobs. There are other reports that tell me if someone had gaps between counts so it is supervising their performance, supervising their accuracy, make sure they are at work on time, making sure they are taking breaks when they are supposed to, attendance issues. Q. Did you do anything else other than what you just described when you were managing the inventory control clerks?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	B. FINKELSTEIN A Kevin Randall. Q Describe for me what happened when Sean Kelly left and when you were given the day shift manager position? A Um, so Kelly went on a business trip to Texas for Southern and was offered a position. Kevin called me into his office late December I believe it was and asked me if I would be interested in being promoted to the day shift ops manager position. Q Did that position have an increased salary? A Yes. Q What salary were you being paid when you were supervising the inventory control clerks? A I believe it was somewhere around 100. Q What was that increased to when you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	that was or was not counted so by the end of the B. FINKELSTEIN quarter you make sure that half of the ones that were not counted are counted before the end of that quarter. Q. What else would you do as the supervisor of the inventory control clerks? A. Just to make sure that they are counting, that they are doing their jobs. There are other reports that tell me if someone had gaps between counts so it is supervising their performance, supervising their accuracy, make sure they are at work on time, making sure they are taking breaks when they are supposed to, attendance issues. Q. Did you do anything else other than what you just described when you were managing the inventory control clerks? A. Oh yeah.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	B. FINKELSTEIN A Kevin Randall. Q Describe for me what happened when Sean Kelly left and when you were given the day shift manager position? A Um, so Kelly went on a business trip to Texas for Southern and was offered a position. Kevin called me into his office late December I believe it was and asked me if I would be interested in being promoted to the day shift ops manager position. Q Did that position have an increased salary? A Yes. Q What salary were you being paid when you were supervising the inventory control clerks? A I believe it was somewhere around 100. Q What was that increased to when you were given the day shift manager position?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	that was or was not counted so by the end of the B. FINKELSTEIN quarter you make sure that half of the ones that were not counted are counted before the end of that quarter. Q. What else would you do as the supervisor of the inventory control clerks? A. Just to make sure that they are counting, that they are doing their jobs. There are other reports that tell me if someone had gaps between counts so it is supervising their performance, supervising their accuracy, make sure they are at work on time, making sure they are taking breaks when they are supposed to, attendance issues. Q. Did you do anything else other than what you just described when you were managing the inventory control clerks? A. Oh yeah. Q. Can you describe for me what else that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	B. FINKELSTEIN A Kevin Randall. Q Describe for me what happened when Sean Kelly left and when you were given the day shift manager position? A Um, so Kelly went on a business trip to Texas for Southern and was offered a position. Kevin called me into his office late December I believe it was and asked me if I would be interested in being promoted to the day shift ops manager position. Q Did that position have an increased salary? A Yes. Q What salary were you being paid when you were supervising the inventory control clerks? A I believe it was somewhere around 100. Q What was that increased to when you were given the day shift manager position? A About 140.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	that was or was not counted so by the end of the B. FINKELSTEIN quarter you make sure that half of the ones that were not counted are counted before the end of that quarter. Q. What else would you do as the supervisor of the inventory control clerks? A. Just to make sure that they are counting, that they are doing their jobs. There are other reports that tell me if someone had gaps between counts so it is supervising their performance, supervising their accuracy, make sure they are at work on time, making sure they are taking breaks when they are supposed to, attendance issues. Q. Did you do anything else other than what you just described when you were managing the inventory control clerks? A. Oh yeah. Q. Can you describe for me what else that you did?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	B. FINKELSTEIN A Kevin Randall. Q Describe for me what happened when Sean Kelly left and when you were given the day shift manager position? A Um, so Kelly went on a business trip to Texas for Southern and was offered a position. Kevin called me into his office late December I believe it was and asked me if I would be interested in being promoted to the day shift ops manager position. Q Did that position have an increased salary? A Yes. Q What salary were you being paid when you were supervising the inventory control clerks? A I believe it was somewhere around 100. Q What was that increased to when you were given the day shift manager position? A About 140. Q When you were supervising the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	that was or was not counted so by the end of the B. FINKELSTEIN quarter you make sure that half of the ones that were not counted are counted before the end of that quarter. Q. What else would you do as the supervisor of the inventory control clerks? A. Just to make sure that they are counting, that they are doing their jobs. There are other reports that tell me if someone had gaps between counts so it is supervising their performance, supervising their accuracy, make sure they are at work on time, making sure they are taking breaks when they are supposed to, attendance issues. Q. Did you do anything else other than what you just described when you were managing the inventory control clerks? A. Oh yeah. Q. Can you describe for me what else that you did? A. Sure. I dove deep into issues that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	B. FINKELSTEIN A Kevin Randall. Q Describe for me what happened when Sean Kelly left and when you were given the day shift manager position? A Um, so Kelly went on a business trip to Texas for Southern and was offered a position. Kevin called me into his office late December I believe it was and asked me if I would be interested in being promoted to the day shift ops manager position. Q Did that position have an increased salary? A Yes. Q What salary were you being paid when you were supervising the inventory control clerks? A I believe it was somewhere around 100. Q What was that increased to when you were given the day shift manager position? A About 140. Q When you were supervising the inventory control clerks you would assign them	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	that was or was not counted so by the end of the B. FINKELSTEIN quarter you make sure that half of the ones that were not counted are counted before the end of that quarter. Q. What else would you do as the supervisor of the inventory control clerks? A. Just to make sure that they are counting, that they are doing their jobs. There are other reports that tell me if someone had gaps between counts so it is supervising their performance, supervising their accuracy, make sure they are at work on time, making sure they are taking breaks when they are supposed to, attendance issues. Q. Did you do anything else other than what you just described when you were managing the inventory control clerks? A. Oh yeah. Q. Can you describe for me what else that you did? A. Sure. I dove deep into issues that were happening that were creating inventory

-			
	Page 57		Page 59
1	it was. Send E-mails to their bosses, trying to	1	Q Do you know if it was 2015?
2	B. FINKELSTEIN	2	B. FINKELSTEIN
3	find route cause.	3	A I would guess maybe in that area.
4	Q Anything else?	4	Q And what did she tell you about John
5	A I kind of have my hand on everything	5	Wilkinson?
6	there. I will get involved in receiving issues.	6	A I don't really recall any specifics.
7	A lot of the warehouse men came to me for input	7	A lot of people complained about John Wilkinson,
8	since I am a senior guy there.	8	but she appeared to not be engaged in my opinion.
9	Q When you came to Southern was Maria	9	Q Do you know why she wasn't happy?
10	already there?	10	A I really don't know specifically.
11	A Yes, I believe so.	11	Q Do you recall any specific complaints
12	Q Was she the manager of the inventory	12	that she had about John Wilkinson?
13	control department when you came to Southern?	13	MS. CABRERA: Objection.
14	A No. I was working nights so I never	14	A Nothing specific.
15	saw her, but I believe Tom Barkey was the manager	15	Q Other than complaining generally about
16	at that time.	16	John Wilkinson can you give me any better idea of
17	Q Do you know when Maria became the	17	what she was complaining about?
18	inventory control manager?	18	MS. CABRERA: Objection.
19	A I don't.	19	A I don't recall specifically.
20	Q Do you know when Tonisha Durant became	20	Q So what kind of complaints would she
21	the inventory control manager?	21	make?
22	A I don't.	22	MS. CABRERA: Objection.
23	Q Do you know why Maria Suarez no longer	23	A Again, nothing specifically.
24	works for Southern?	24	Q All that she was complaining about,
25	A I don't. I know that she wasn't	25	you can't tell me anything that she was
	Page 58		Page 60
1	Page 58 happy, but I don't know specifics.	1	Page 60 complaining about?
1 2	-	1 2	_
	happy, but I don't know specifics.		complaining about? B. FINKELSTEIN MS. CABRERA: Objection.
2	happy, but I don't know specifics. B. FINKELSTEIN	2	complaining about? B. FINKELSTEIN MS. CABRERA: Objection. A Nothing specific, no.
2	happy, but I don't know specifics. B. FINKELSTEIN Q How do you know she wasn't happy? A She would vent often. Q To you?	2 3	complaining about? B. FINKELSTEIN MS. CABRERA: Objection. A Nothing specific, no. Q And she appeared to be unhappy, is
2 3 4 5 6	happy, but I don't know specifics. B. FINKELSTEIN Q How do you know she wasn't happy? A She would vent often. Q To you? A To anyone. Including me.	2 3 4 5 6	complaining about? B. FINKELSTEIN MS. CABRERA: Objection. A Nothing specific, no. Q And she appeared to be unhappy, is that fair to say?
2 3 4 5 6 7	happy, but I don't know specifics. B. FINKELSTEIN Q How do you know she wasn't happy? A She would vent often. Q To you? A To anyone. Including me. Q What did she tell you?	2 3 4 5 6 7	complaining about? B. FINKELSTEIN MS. CABRERA: Objection. A Nothing specific, no. Q And she appeared to be unhappy, is that fair to say? A I would say yes.
2 3 4 5 6 7 8	happy, but I don't know specifics. B. FINKELSTEIN Q. How do you know she wasn't happy? A. She would vent often. Q. To you? A. To anyone. Including me. Q. What did she tell you? A. She would usually complain about her	2 3 4 5 6 7 8	complaining about? B. FINKELSTEIN MS. CABRERA: Objection. A Nothing specific, no. Q And she appeared to be unhappy, is that fair to say? A I would say yes. Q What about her made you think she was
2 3 4 5 6 7 8	happy, but I don't know specifics. B. FINKELSTEIN Q. How do you know she wasn't happy? A. She would vent often. Q. To you? A. To anyone. Including me. Q. What did she tell you? A. She would usually complain about her boss John Wilkinson.	2 3 4 5 6 7 8	complaining about? B. FINKELSTEIN MS. CABRERA: Objection. A Nothing specific, no. Q And she appeared to be unhappy, is that fair to say? A I would say yes. Q What about her made you think she was unhappy?
2 3 4 5 6 7 8 9	happy, but I don't know specifics. B. FINKELSTEIN Q. How do you know she wasn't happy? A. She would vent often. Q. To you? A. To anyone. Including me. Q. What did she tell you? A. She would usually complain about her boss John Wilkinson. Q. During what period of time did she	2 3 4 5 6 7 8 9	complaining about? B. FINKELSTEIN MS. CABRERA: Objection. A Nothing specific, no. Q And she appeared to be unhappy, is that fair to say? A I would say yes. Q What about her made you think she was unhappy? A Well, you know, the times that I had
2 3 4 5 6 7 8 9 10	happy, but I don't know specifics. B. FINKELSTEIN Q. How do you know she wasn't happy? A. She would vent often. Q. To you? A. To anyone. Including me. Q. What did she tell you? A. She would usually complain about her boss John Wilkinson. Q. During what period of time did she begin complaining to you?	2 3 4 5 6 7 8 9 10	complaining about? B. FINKELSTEIN MS. CABRERA: Objection. A Nothing specific, no. Q And she appeared to be unhappy, is that fair to say? A I would say yes. Q What about her made you think she was unhappy? A Well, you know, the times that I had to work with her it was always a struggle. If I
2 3 4 5 6 7 8 9 10 11	happy, but I don't know specifics. B. FINKELSTEIN Q How do you know she wasn't happy? A She would vent often. Q To you? A To anyone. Including me. Q What did she tell you? A She would usually complain about her boss John Wilkinson. Q During what period of time did she begin complaining to you? A As long as I can remember.	2 3 4 5 6 7 8 9 10 11	complaining about? B. FINKELSTEIN MS. CABRERA: Objection. A Nothing specific, no. Q And she appeared to be unhappy, is that fair to say? A I would say yes. Q What about her made you think she was unhappy? A Well, you know, the times that I had to work with her it was always a struggle. If I needed her help she was not helpful. She seemed
2 3 4 5 6 7 8 9 10 11 12 13	happy, but I don't know specifics. B. FINKELSTEIN Q How do you know she wasn't happy? A She would vent often. Q To you? A To anyone. Including me. Q What did she tell you? A She would usually complain about her boss John Wilkinson. Q During what period of time did she begin complaining to you? A As long as I can remember. Q When for the first time did your	2 3 4 5 6 7 8 9 10 11 12 13	complaining about? B. FINKELSTEIN MS. CABRERA: Objection. A Nothing specific, no. Q And she appeared to be unhappy, is that fair to say? A I would say yes. Q What about her made you think she was unhappy? A Well, you know, the times that I had to work with her it was always a struggle. If I needed her help she was not helpful. She seemed to be angry. I had no idea why, so she was a
2 3 4 5 6 7 8 9 10 11 12 13 14	happy, but I don't know specifics. B. FINKELSTEIN Q How do you know she wasn't happy? A She would vent often. Q To you? A To anyone. Including me. Q What did she tell you? A She would usually complain about her boss John Wilkinson. Q During what period of time did she begin complaining to you? A As long as I can remember. Q When for the first time did your shifts overlap?	2 3 4 5 6 7 8 9 10 11 12 13 14	complaining about? B. FINKELSTEIN MS. CABRERA: Objection. A Nothing specific, no. Q And she appeared to be unhappy, is that fair to say? A I would say yes. Q What about her made you think she was unhappy? A Well, you know, the times that I had to work with her it was always a struggle. If I needed her help she was not helpful. She seemed to be angry. I had no idea why, so she was a difficult person to work with.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	happy, but I don't know specifics. B. FINKELSTEIN Q. How do you know she wasn't happy? A. She would vent often. Q. To you? A. To anyone. Including me. Q. What did she tell you? A. She would usually complain about her boss John Wilkinson. Q. During what period of time did she begin complaining to you? A. As long as I can remember. Q. When for the first time did your shifts overlap? A. When I came to midshift so I would see	2 3 4 5 6 7 8 9 10 11 12 13 14 15	complaining about? B. FINKELSTEIN MS. CABRERA: Objection. A Nothing specific, no. Q And she appeared to be unhappy, is that fair to say? A I would say yes. Q What about her made you think she was unhappy? A Well, you know, the times that I had to work with her it was always a struggle. If I needed her help she was not helpful. She seemed to be angry. I had no idea why, so she was a difficult person to work with. Q Okay. So what about her made you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	happy, but I don't know specifics. B. FINKELSTEIN Q. How do you know she wasn't happy? A. She would vent often. Q. To you? A. To anyone. Including me. Q. What did she tell you? A. She would usually complain about her boss John Wilkinson. Q. During what period of time did she begin complaining to you? A. As long as I can remember. Q. When for the first time did your shifts overlap? A. When I came to midshift so I would see her not often, not too often, really.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	complaining about? B. FINKELSTEIN MS. CABRERA: Objection. A Nothing specific, no. Q And she appeared to be unhappy, is that fair to say? A I would say yes. Q What about her made you think she was unhappy? A Well, you know, the times that I had to work with her it was always a struggle. If I needed her help she was not helpful. She seemed to be angry. I had no idea why, so she was a difficult person to work with. Q Okay. So what about her made you think she was not happy other than what you just
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	happy, but I don't know specifics. B. FINKELSTEIN Q. How do you know she wasn't happy? A. She would vent often. Q. To you? A. To anyone. Including me. Q. What did she tell you? A. She would usually complain about her boss John Wilkinson. Q. During what period of time did she begin complaining to you? A. As long as I can remember. Q. When for the first time did your shifts overlap? A. When I came to midshift so I would see her not often, not too often, really. Q. When did you work that midshift again?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	complaining about? B. FINKELSTEIN MS. CABRERA: Objection. A Nothing specific, no. Q And she appeared to be unhappy, is that fair to say? A I would say yes. Q What about her made you think she was unhappy? A Well, you know, the times that I had to work with her it was always a struggle. If I needed her help she was not helpful. She seemed to be angry. I had no idea why, so she was a difficult person to work with. Q Okay. So what about her made you think she was not happy other than what you just described to me?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	happy, but I don't know specifics. B. FINKELSTEIN Q. How do you know she wasn't happy? A. She would vent often. Q. To you? A. To anyone. Including me. Q. What did she tell you? A. She would usually complain about her boss John Wilkinson. Q. During what period of time did she begin complaining to you? A. As long as I can remember. Q. When for the first time did your shifts overlap? A. When I came to midshift so I would see her not often, not too often, really. Q. When did you work that midshift again? A. I will go back again. I am thinking	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	complaining about? B. FINKELSTEIN MS. CABRERA: Objection. A Nothing specific, no. Q And she appeared to be unhappy, is that fair to say? A I would say yes. Q What about her made you think she was unhappy? A Well, you know, the times that I had to work with her it was always a struggle. If I needed her help she was not helpful. She seemed to be angry. I had no idea why, so she was a difficult person to work with. Q Okay. So what about her made you think she was not happy other than what you just described to me? MS. CABRERA: Objection.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	happy, but I don't know specifics. B. FINKELSTEIN Q. How do you know she wasn't happy? A. She would vent often. Q. To you? A. To anyone. Including me. Q. What did she tell you? A. She would usually complain about her boss John Wilkinson. Q. During what period of time did she begin complaining to you? A. As long as I can remember. Q. When for the first time did your shifts overlap? A. When I came to midshift so I would see her not often, not too often, really. Q. When did you work that midshift again? A. I will go back again. I am thinking maybe around 2014ish. That's a guess.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	complaining about? B. FINKELSTEIN MS. CABRERA: Objection. A Nothing specific, no. Q And she appeared to be unhappy, is that fair to say? A I would say yes. Q What about her made you think she was unhappy? A Well, you know, the times that I had to work with her it was always a struggle. If I needed her help she was not helpful. She seemed to be angry. I had no idea why, so she was a difficult person to work with. Q Okay. So what about her made you think she was not happy other than what you just described to me? MS. CABRERA: Objection. Q Is there anything else other than what
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	happy, but I don't know specifics. B. FINKELSTEIN Q. How do you know she wasn't happy? A. She would vent often. Q. To you? A. To anyone. Including me. Q. What did she tell you? A. She would usually complain about her boss John Wilkinson. Q. During what period of time did she begin complaining to you? A. As long as I can remember. Q. When for the first time did your shifts overlap? A. When I came to midshift so I would see her not often, not too often, really. Q. When did you work that midshift again? A. I will go back again. I am thinking maybe around 2014ish. That's a guess. Q. Do you recall when Maria complained to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	complaining about? B. FINKELSTEIN MS. CABRERA: Objection. A Nothing specific, no. Q And she appeared to be unhappy, is that fair to say? A I would say yes. Q What about her made you think she was unhappy? A Well, you know, the times that I had to work with her it was always a struggle. If I needed her help she was not helpful. She seemed to be angry. I had no idea why, so she was a difficult person to work with. Q Okay. So what about her made you think she was not happy other than what you just described to me? MS. CABRERA: Objection. Q Is there anything else other than what you just described to me that would lead you to
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	happy, but I don't know specifics. B. FINKELSTEIN Q. How do you know she wasn't happy? A. She would vent often. Q. To you? A. To anyone. Including me. Q. What did she tell you? A. She would usually complain about her boss John Wilkinson. Q. During what period of time did she begin complaining to you? A. As long as I can remember. Q. When for the first time did your shifts overlap? A. When I came to midshift so I would see her not often, not too often, really. Q. When did you work that midshift again? A. I will go back again. I am thinking maybe around 2014ish. That's a guess. Q. Do you recall when Maria complained to you for the first time about John Wilkinson?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	complaining about? B. FINKELSTEIN MS. CABRERA: Objection. A Nothing specific, no. Q And she appeared to be unhappy, is that fair to say? A I would say yes. Q What about her made you think she was unhappy? A Well, you know, the times that I had to work with her it was always a struggle. If I needed her help she was not helpful. She seemed to be angry. I had no idea why, so she was a difficult person to work with. Q Okay. So what about her made you think she was not happy other than what you just described to me? MS. CABRERA: Objection. Q Is there anything else other than what you just described to me that would lead you to believe that she was unhappy?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	happy, but I don't know specifics. B. FINKELSTEIN Q. How do you know she wasn't happy? A. She would vent often. Q. To you? A. To anyone. Including me. Q. What did she tell you? A. She would usually complain about her boss John Wilkinson. Q. During what period of time did she begin complaining to you? A. As long as I can remember. Q. When for the first time did your shifts overlap? A. When I came to midshift so I would see her not often, not too often, really. Q. When did you work that midshift again? A. I will go back again. I am thinking maybe around 2014ish. That's a guess. Q. Do you recall when Maria complained to you for the first time about John Wilkinson? A. Not specifically, no.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	complaining about? B. FINKELSTEIN MS. CABRERA: Objection. A Nothing specific, no. Q And she appeared to be unhappy, is that fair to say? A I would say yes. Q What about her made you think she was unhappy? A Well, you know, the times that I had to work with her it was always a struggle. If I needed her help she was not helpful. She seemed to be angry. I had no idea why, so she was a difficult person to work with. Q Okay. So what about her made you think she was not happy other than what you just described to me? MS. CABRERA: Objection. Q Is there anything else other than what you just described to me that would lead you to believe that she was unhappy? A No, not really.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	happy, but I don't know specifics. B. FINKELSTEIN Q. How do you know she wasn't happy? A. She would vent often. Q. To you? A. To anyone. Including me. Q. What did she tell you? A. She would usually complain about her boss John Wilkinson. Q. During what period of time did she begin complaining to you? A. As long as I can remember. Q. When for the first time did your shifts overlap? A. When I came to midshift so I would see her not often, not too often, really. Q. When did you work that midshift again? A. I will go back again. I am thinking maybe around 2014ish. That's a guess. Q. Do you recall when Maria complained to you for the first time about John Wilkinson? A. Not specifically, no. Q. Can you tell me what year she first	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	complaining about? B. FINKELSTEIN MS. CABRERA: Objection. A Nothing specific, no. Q And she appeared to be unhappy, is that fair to say? A I would say yes. Q What about her made you think she was unhappy? A Well, you know, the times that I had to work with her it was always a struggle. If I needed her help she was not helpful. She seemed to be angry. I had no idea why, so she was a difficult person to work with. Q Okay. So what about her made you think she was not happy other than what you just described to me? MS. CABRERA: Objection. Q Is there anything else other than what you just described to me that would lead you to believe that she was unhappy? A No, not really. Q Okay. So she was not helpful. She
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	happy, but I don't know specifics. B. FINKELSTEIN Q. How do you know she wasn't happy? A. She would vent often. Q. To you? A. To anyone. Including me. Q. What did she tell you? A. She would usually complain about her boss John Wilkinson. Q. During what period of time did she begin complaining to you? A. As long as I can remember. Q. When for the first time did your shifts overlap? A. When I came to midshift so I would see her not often, not too often, really. Q. When did you work that midshift again? A. I will go back again. I am thinking maybe around 2014ish. That's a guess. Q. Do you recall when Maria complained to you for the first time about John Wilkinson? A. Not specifically, no.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	complaining about? B. FINKELSTEIN MS. CABRERA: Objection. A Nothing specific, no. Q And she appeared to be unhappy, is that fair to say? A I would say yes. Q What about her made you think she was unhappy? A Well, you know, the times that I had to work with her it was always a struggle. If I needed her help she was not helpful. She seemed to be angry. I had no idea why, so she was a difficult person to work with. Q Okay. So what about her made you think she was not happy other than what you just described to me? MS. CABRERA: Objection. Q Is there anything else other than what you just described to me that would lead you to believe that she was unhappy? A No, not really.

Page 61 Page 63 And she was a difficult person to work her face to face, and that was the last time that 1 1 2 2 B. FINKELSTEIN B. FINKELSTEIN 3 with? 3 I asked her for help. I found different ways to 4 Yes. 4 find my answers. Α 5 5 Q So tell me about this occasion on And because of that you believed she 6 6 which you brought the warehouse man into her was unhappy? 7 7 office. What do you remember about that occasion? A Yes. That would be accurate. 8 8 On how many occasions did you actually A I remember he was having a problem. 9 have to work with her? 9 He had his RF gun with him, and I brought him in 10 10 I sort of stopped trying. So not too and asked him to explain to Maria the problem he 11 was having. She basically started screaming that 11 many. 12 12 How many different occasions did you I should know the answer to the -- the solution to 13 work with Maria Suarez? 13 the problem so that was when I stopped going to 14 A Side by side? 14 her. 15 Q Was this the first time that she had 15 Q Yes. 16 Early on when I first came to midshift 16 yelled at you? 17 a number of times, and then like I said I stopped 17 A She didn't yell at me. She just 18 18 yelled. She wasn't yelling at me. She just 19 19 yelled, starting yelling. If it was at me I You testified earlier that the probably wouldn't have been -- it would not have 20 20 midshift was from 3 p.m. to 1 a.m., is that 21 21 correct? been good. 22 22 Q But did she ever yell at you? A Um, my shift was 3 p.m. to 1 a.m. 23 Q Yes. When you went to midshift? 23 A Um, I think probably, but I can't 24 24 recall anything specific. A Right. 25 So when you went to midshift was your 25 Q Okay. So what was she yelling about? Page 62 Page 64 1 shift from 3 p.m. to 1 a.m? 1 That I should know the answer to the 2 B. FINKELSTEIN 2 B. FINKELSTEIN 3 3 A That's the hours that I worked, yes. -- I should know the resolution to the problem. 4 Q And what were Maria's working hours 4 Q And what was the warehouse man doing 5 when you were in midshift? 5 with the RF gun? 6 6 A I believe -- I am really not sure. I A I don't recall specifically. Working. 7 7 think it was like 9 to 5. Q Were warehouse men supposed to have have RF guns? 8 8 Q Describe the occasions on which you 9 had to work with Maria when you were at midshift? 9 A Yes. They all have them. 10 A Well, especially when we went to WMI 10 What do they do with the RF guns? A They locate product in the 11 and she had a little more knowledge than I did, 11 warehouse. They use it for receiving. They use 12 and I would have to -- I would have an inventory 12 13 it for any kind of product movement so all 13 issue on the warehouse side, and I would have to ask her for help to try to figure it out, rectify 14 inventory related. 14 15 Q What led you to believe that Maria was 15 it. That was basically the extent. 16 the individual who you should speak to about the 16 On how many occasions did that happen? 17 issue with the RF gun? 17 Maybe two or three, and I stopped A 18 A She -- that was her department, and 18 asking. she had WMI knowledge at the time that I didn't 19 O What did you ask for? 19 20 Well, I could only remember one 20 have yet. 21 Q When you say it was her department --21 specific occasion where I brought one of the 22 A Well she ran -- again, I don't know 22 warehouse men into her office because he was 23 what Tonisha's involvement was at that point. I 23 having a problem. It was inventory related, and 24 didn't work with Tonisha so when I had to work 24 she got aggressive and to the point I had to ask 25 with someone from inventory it was Maria. 25 my employee to step out of the office and talk to

1 Q Do you know what Tonisha's involvement 2 B. FINKELSTEIN 3 in WMI was? 4 A Back then, no. 5 Q What did you do after this incident in 6 which Maria yelled? 6 What did you do after this incident in 7 A I excused the warehouse man from her 8 office. We had some words, and then I told her 9 that I know who not to come to for help, and I 10 walked out of her office. 11 Q When you had issues in the future what 12 did you do? 13 A I didn't really have any issues in the 14 future. We were cordial to each other. We didn't 15 really - businesswise we didn't really have too 16 much interaction. 17 Q Well, there was an issue. Which issue 18 was the warehouse man having? 19 A I don't recall. 20 Q Do you recall anything about the issue 21 that the warehouse man was having? 22 A No. 23 MS. CABRERA: Objection. 24 Q So did it have to do with the RF gun? 25 A It had to do with inventory which is 26 Page 27 the RF gun. 28 B. FINKELSTEIN 39 Q Did it have to do with the RF gun? 4 A Like was the RF gun broken or 4 C No, O No you remember what invent that time. 2 B. FINKELSTEIN 3 C Did you have any inventory issues states without a title at B. FINKELSTEIN 4 A Oh, no. I wasn't without a title at B. FINKELSTEIN 4 A Da. A Back then, no. 4 C Okay. Do you remember what invent to Maria with? 4 No, I don't. 6 MS. CABRERA: Objection. 7 A I on't tereall suses that you went to Maria with? 8 MS. CABRERA: Objection. 9 A I don't recall suse at a flex you went to Maria with? 9 A I don't tereally have to objection. 16 inventory issues after Maria yelled? 17 A I am sure that I did. 18 Q Who did you do to resolve those inventory issues? 19 A I don't recall. 10 Q Who did you do to resolve those inventory issues? 10 A I don't recall. 11 A Oh, no. I wasn't wast'n'? 11 A Oh, no. I wasn't without a title at that time? 12 A I don't recall suse at a flex you went to Maria with? 14 A I don't recall suse at a flex you went to haria with? 15 issues that I had. 16 Q Who did you go to? 17 A I don't recall. I mean, there was a number of people there that are e		Page 65		Page 67
2 B. FINKELSTEIN 3 in WMI was? 4 A Back then, no. 5 Q What did you do after this incident in 6 which Maria yelled? 7 A I excused the warehouse man from her 8 office. We had some words, and then I told her 9 that I know who not to come to for help, and I 10 walked out of her office. 11 Q When you had issues in the future what 12 did you do? 13 A I didn't really have any issues in the 14 future. We were cordial to each other. We didn't 15 really – businesswise we didn't really have too 16 much interaction. 17 Q Well, there was an issue. Which issue 18 was the warehouse man having? 19 A I don't recall. 20 Q Do you recall anything about the issue 21 that the warehouse man was having? 22 A No. 23 MS. CABRERA: Objection. 24 Q So did it have to do with the RF gun? 25 A I thad to do with inventory which is 26 Page 66 1 the RF gun. 2 B. FINKELSTEIN 3 Q Did it have to do with the RF gun? 4 A Like was the RF gun broken or 5 something? No. 4 I don't recall. 5 Page 66 1 the RF gun. 2 B. FINKELSTEIN 3 Q Do yo remember what question that you 3 asked Maria or what issues you asked her to 6 resolve? 9 A I don't. 10 Q On how many different occasions had 11 you – well, you said that you went to Maria two 12 or three times with regard to inventory issues? 13 correct? 14 A Yes. 15 Q C any out tell me over what period of 16 time you went to her for the two or three issues? 17 A I would say a few months. 18 Q O You have any inventory what inventory issues after your last – withdrawn. Did you have any inventory issues after your last – withdrawn. Did you have any inventory issues after your last – withdrawn. Did you have any inventory issues after your last – withdrawn. Did you have any inventory issues after your last – withdrawn. Did you have any inventory issues after your last – withdrawn. Did you have any inventory issues after your last – withdrawn. Did you have any inventory issues after your last – withdrawn loud inventory issues after your last – withdrawn loud inventory issues after your last – withdrawn loud inventory issu	1		1	-
3 in WMI was? 4				
4 A Back then, no. 5 Q What did you do after this incident in 6 which Maria yelled? 7 A I excused the warehouse man from her 8 office. We had some words, and then I told her 9 that I know who not to come to for help, and I 10 walked out of her office. 11 Q When you had issues in the future what 12 did you do? 13 A I didn't really have any issues in the 14 future. We were cordial to each other. We didn't 15 really - businesswise we didn't really have too 16 much interaction. 17 Q Well, there was an issue. Which issue 18 was the warehouse man having? 19 A I don't recall. 20 Q Do you recall anything about the issue 19 A I don't recall was the warehouse man was having? 21 that the warehouse man was having? 22 A No. 23 MS. CABRERA: Objection. 24 Q So did it have to do with the RF gun? 25 A It had to do with inventory which is 26 Page 27 A Like was the RF gun broken or 28 something? No. 29 B. FINKELSTEIN 20 Q Do you remember what question that you asked Maria or what issues you asked her to 29 C anyou tell me over what period of 20 time you went to Maria with? 21 A Yes. 22 Q Can you tell me over what period of 23 time you went to I don't. 24 A Yes. 25 Q Can you tell me over what period of 26 time you went to daria two 27 a Key was the RF gun or there times with regard to inventory issues. 29 Q Did you tell me over what period of 29 C You had a fire your last in withdrawn. Did you went to Maria two 29 Did you thave any inventory what inventory issues. 20 Q Did what did you do to resolve those inventory issues. 21 A Like was the RF gun broken or 22 So did it have to do with the RF gun? 23 A I don't recall. 24 Page 25 A It had to do with the RF gun? 26 Did Mr. Kelly have knowledge of WMI before he began working at the Syosset warehous asked Maria or what issues you asked her to 27 resolve? 28 A I don't. 29 C and you tell me over what period of 20 C anyou tell me over what period of 21 time you went to her for the two or three issues? 21 A I would say a few months. 22 C anyou tell me over what period of 24 time the was J				
5 Q What did you do after this incident in which Maria yelled? MS. CABRERA: Objection.				
6 MS. CABRERA: Objection. 7 A lexused the warehouse man from her office. We had some words, and then I told her that I know who not to come to for help, and I walked out of her office. 9 that I know who not to come to for help, and I Q When you had issues in the future what 12 did you do? 13 A I didn't really have any issues in the future. We were cordial to each other. We didn't 14 future. We were cordial to each other. We didn't 15 really – businesswise we didn't really have too much interaction. 16 much interaction. 17 Q Well, there was an issue. Which issue was the warehouse man having? 18 was the warehouse man having? 19 A I don't recall. 20 Q Do you recall anything about the issue that the warehouse man was having? 21 that the warehouse man was having? 22 A No. 23 MS. CABRERA: Objection. 24 Q So did it have to do with the RF gun? 25 A It had to do with inventory which is 26 Who did you go to? 27 A Lex was the RF gun broken or 5 something? No. 28 B. FINKELSTEIN 29 C Do you remember what question that you asked Maria or what issues you asked her to resolve? 30 A Like was the RF gun broken or 5 something? No. 40 C Do byou remember what question that you asked Maria or what issues you asked her to resolve? 41 A Like was the RF gun broken or 5 something? No. 42 Q Do how many different occasions had 10 you – well, you said that you went to Maria two 12 or three times with regard to inventory issues, 13 correct? 19 A I don't. 10 Q On how many different occasions had 12 you – well, you said that you went to Maria two 12 or three times with regard to inventory issues, 13 correct? 17 A I would say a few months. 18 Q Can you tell me over what period of 16 time you went to her for the two or three issues? 17 A I wand the de by shift position or were 18 WMS. A I am sure that I did. 19 Q And what did he respond to you?				
7 A No, I don't. 8 office. We had some words, and then I told her that I know who not to come to for help, and I 9 that I know who not to come to for help, and I 10 walked out of her office. 11 Q When you had issues in the future what 1 12 did you do? 13 A I didn't really have any issues in the 1 14 future. We were cordial to each other. We didn't 1 15 really businesswise we didn't really have too 1 16 much interaction. 17 Q Well, there was an issue. Which issue 18 was the warehouse man having? 18 A I don't recall. 19 A I don't recall. 20 Q Do you recall anything about the issue 21 that the warehouse man was having? 21 that the warehouse man was having? 22 A No. 23 MS. CABRERA: Objection. 23 MS. CABRERA: Objection. 24 Q So did it have to do with the RF gun? 25 A I thad to do with inventory which is 26 Page 66 1 the RF gun. 2 B. FINKELSTEIN 3 Q Did it have to do with the RF gun? 4 A Like was the RF gun broken or something? No. 4 A Like was the RF gun broken or asked Maria or what issues you asked her to resolve? 4 A Like was the RF gun broken or 3 something? No. 5 Something? No. 6 Q Do you remember what question that you asked Maria or what issues you asked her to resolve? 9 A A Lidon't. 10 Q On how many different occasions had 1 you well, you said that you went to Maria two 12 or three times with regard to inventory issues, 12 correct? 1 A I would say a few months. 1 A I was the tidd the respond to you? 2 A I was the tidd id. Q I have tail tidd. 2 A I am sure that I did. 3 A I don't know time was a number of people there that are experts at WM 1 inventory issues? 2 A No. 2 Do don't know if he was day manager yet think he was like business continuity. He was 1 like an expert on everything actually so he was 1 like an expert on everything actually so he was 1 like an expert on everything actually so he was 1 like an expert on everything actually so he was 2 like an expert on everything a				
8 office. We had some words, and then I told her that I know who not to come to for help, and I walked out of her office. 10 walked out of her office. 11 Q When you had issues in the future what did you do? 13 A I didn't really have any issues in the future. We were cordial to each other. We didn't really businesswise we didn't really have too much interaction. 17 Q Well, there was an issue. Which issue was the warehouse man having? 18 was the warehouse man having? 19 A I don't recall. 20 Q Do you recall anything about the issue was the warehouse man was having? 21 that the warehouse man was having? 22 A No. 23 MS. CABRERA: Objection. 24 Q So did it have to do with the RF gun? 25 A I thad to do with inventory which is 26 Page 27 the RF gun. 28 B. FINKELSTEIN 29 D you remember what question that you asked Maria or what issues you asked her to resolve? 30 A I don't. 31 C D O D you remember what question that you asked Maria or what issues you asked her to resolve? 32 A I don't. 33 Q Did if have to do with the RF gun? 4 A Like was the RF gun broken or something? No. 4 A Like was the RF gun broken or something? No. 5 O D D you remember what question that you asked Maria or what issues you asked her to resolve? 4 A I don't. 5 O D O you remember what question that you asked Maria or what issues you asked her to resolve? 4 A I don't. 5 O D O you remember what period of time you went to here, what happened? 5 A I don't know. 5 O D id Mr. Kelly have knowledge of WMI before he began working at the Syosset warehous or three times with regard to inventory issues, conflict between you and Mr. Randall? 6 A I am sure that I did. 7 O D id you tall me over what period of time you went to her two or three issues? 7 A I don't know. 8 D Jod Mr. Kelly have knowledge of WMI before he began working at the Syosset warehous or three times with regard to inventory issues, conflict between you and Mr. Randall? 8 A I don't know. 9 C D id you tall John Wilkinson. It had to be, yes. 9 A I don't know as our manager? 18 A I was the time th				
9 that I know who not to come to for help, and I 10 walked out of her office. 11 Q When you had issues in the future what 12 did you do? 13 A I didn't really have any issues in the 14 future. We were cordial to each other. We didn't 15 really - businesswise we didn't really have too 16 much interaction. 17 Q Well, there was an issue. Which issue 18 was the warehouse man having? 19 A I don't recall. 20 Q Do you recall anything about the issue 21 that the warehouse man was having? 22 A No. 23 MS. CABRERA: Objection. 24 Q So did it have to do with the RF gun? 25 A It had to do with inventory which is 26 Page 27 the RF gun. 28 B. FINKELSTEIN 29 Q Did it have to do with the RF gun? 30 Q Did it have to do with the RF gun? 41 A Like was the RF gun broken or 42 So mething? No. 43 Q Do you remember what question that you 44 A Like was the RF gun broken or 45 something? No. 46 Q Do you remember what question that you 47 asked Maria or what issues you asked her to 48 resolve? 49 A I don't. 40 Q On how many different occasions had 41 you - well, you said that you went to Maria two 41 or three times with regard to inventory issues, 41 a On't know. 41 like an expert on everything actually so he was 42 Did on't hink he was day manager ye 43 A Like was the RF gun broken or 44 Seak Omaria or what issues you asked her to 55 resolve? 56 Q On how many different occasions had 67 Q On how many different occasions had 68 resolve? 69 A I don't. 60 Q On how many different occasions had 61 Q On how many different occasions had 62 Q Can you tell me over what period of 63 time you went to her for the two or three issues? 64 A I am sure that I did. 65 Q Did you tell John Wilkinson about what 66 had 67 A I would say a few months. 67 A I don't know if he was day 68 her, what happened? 69 A I don't recall. 69 Did you tell John Wilkinson about what 60 And what did he respond to you?				
10 walked out of her office. 11 Q When you had issues in the future what 12 did you do? 13 A I didn't really have any issues in the 14 future. We were cordial to each other. We didn't 15 really – businesswise we didn't really have too 16 much interaction. 17 Q Well, there was an issue. Which issue 18 was the warehouse man having? 19 A I don't recall. 19 Q Do you recall anything about the issue 20 Q Do you recall anything about the issue 21 that the warehouse man was having? 22 A No. 23 MS. CABRERA: Objection. 24 Q So did it have to do with the RF gun? 25 A It had to do with inventory which is 26 Page 27 the RF gun. 28 B. FINKELSTEIN 29 Q Did it have to do with the RF gun? 30 Q Did it have to do with the RF gun? 4 A Like was the RF gun broken or 5 something? No. 4 A Like was the RF gun broken or 5 resolve? 4 A I don't. 5 Q On how many different occasions had 11 you — well, you said that you went to Maria two 12 or three times with regard to inventory issues, 13 Q Can you tell me over what period of 16 time you went to her for the two or three issues? 17 A I would say a few months. 18 Q You had the day shift position or were 18 A I don't tercall saftery with last arted ta go lid vou have any inventory issues after Maria yelled? 10 A I don't recall. 11 Q D hid you have any inventory issues after Maria yelled? 12 A I am sure that I did. 14 A I am sure that I did. 15 Q What did you do to resolve those inventory issues. 16 Inventory issues after Maria yelled? 18 A I don't tercall, and you have any inventory issues after your last — winter after your flat — winter that I did. 19 A I don't know in the was a dare your have any inventory issues after your last — winter and inventory issues after your last — winter and poly down and was after your last — winter and poly down and was after your last aftery your last after your last after your last after your last af				· · · · · · · · · · · · · · · · · · ·
11 Q When you had issues in the future what 12 did you do? 13 A I didn't really have any issues in the 14 future. We were cordial to each other. We didn't 15 really - businesswise we didn't really have too 16 much interaction. 17 Q Well, there was an issue. Which issue 18 was the warehouse man having? 19 A I don't recall. 20 Q Do you recall anything about the issue 21 that the warehouse man was having? 22 A No. 23 MS. CABRERA: Objection. 24 Q So did it have to do with the RF gun? 25 A It had to do with inventory which is 26 B. FINKELSTEIN 27 A Like was the RF gun broken or 28 So mething? No. 29 Do you remember what question that you asked Maria or what issues you asked her to 29 Ro Do you remember what question that you asked Maria or what issues you asked her to 29 The RF gun. 20 Q Do you remember what question that you are well, you said that you went to Maria two 29 To Can you tell me over what period of time you went to her for the two or three issues? 20 G Did you have any inventory issues after Maria you went to her for the two or three issues? 21 A I am sure that I did. 22 Q What did you do to resolve those inventory issues? 23 number of people there that are experts at WM 24 I don't knew as having? 25 A He was -1 don't know if he was day manager yet think he was like business continuity. He was 26 B. FINKELSTEIN 27 Did Mr. Kelly have knowledge of WMI 28 B. FINKELSTEIN 38 Q Did it have to do with the RF gun? 49 A Like was the RF gun broken or 40 Do you remember what question that you 41 Sike my go to, especially WMI, pretty much any V issue that I had. 41 Q Was Mr. Kelly have knowledge of WMI 42 Did Mr. Kelly have knowledge of WMI 43 Like my go to, especially WMI, pretty much any V issue that I had. 44 Lidon't know. But he was brilliant. 45 Q Did Mr. Kelly have knowledge of WMI 46 Defore he began working at the Syosset warehous or file the word three issues? 46 Q Ton how many different occasions had of the was day manager? 47 A Lodn't know. But he was brilliant. 48 Q So at the time that Maria yelled at y				
did you do? A I didn't really have any issues in the future. We were cordial to each other. We didn't really - businesswise we didn't really have too much interaction. Q Well, there was an issue. Which issue was the warehouse man having? A I don't recall. Q Do you recall anything about the issue 21 that the warehouse man was having? A No. MS CABRERA: Objection. A I thad to do with the RF gun? A I thad to do with inventory which is Page 66 the RF gun. B FINKELSTEIN Q Did it have to do with the RF gun? A Like was the RF gun broken or something? No. Q Do you remember what question that you asked Maria or what issues you asked her to resolve? A I don't. Q On how many different occasions had you well, you said that you went to Maria two or three times with regard to inventory issues? A I would say a few months. Q Ond what did he veryour last withdrawn. Did you have any inventory issues after Maria yelled? A I am sure that I did. A I am sure that I did. A I am sure that I did. A I don't recall. I mean, there was a number of people there that are experts at WM 19 I started to go to the others for assistance. Q Who did you go to? A Usually Sean Kelly. 22 Q What was his title at that time? A He was I don't know if he was day manager yet think he was like business continuity. He was Page 66 Page 1 like an expert on everything actually so he was B FINKELSTEIN 3 Q Did it have to do with the RF gun? 4 A Like was the RF gun broken or 5 something? No. Q Did Mr. Kelly have knowledge of WMI 6 before he began working at the Syosset warehous A I don't know. A I don't	11	Q When you had issues in the future what	11	
13 A I didn't really have any issues in the 14 future. We were cordial to each other. We didn't 15 really businesswise we didn't really have too 16 much interaction. 17 Q Well, there was an issue. Which issue 18 was the warehouse man having? 19 A I don't recall. 20 Q Do you recall anything about the issue 21 that the warehouse man was having? 22 A No. 23 MS. CABRERA: Objection. 24 Q So did it have to do with the RF gun? 25 A It had to do with inventory which is 26 Page 27 The RF gun. 28 B. FINKELSTEIN 39 Q Did it have to do with the RF gun? 4 A Like was the RF gun broken or 5 something? No. 5 Q Do you remember what question that you asked Maria or what issues you asked her to 7 resolve? 9 A I don't. 10 Q On how many different occasions had 11 you well, you said that you went to Maria two 12 or three times with regard to inventory issues, 13 correct? 14 A Yes. 15 Q Can you tell me over what period of time you went to her for the two or three issues? 16 inventory issues after Maria yelled? 1 A I am sure that I did. 2 Q What did you do to resolve those inventory issues? 1 I wentory issues? 1 A I don't recall. I mean, there was a number of people there that are experts at WM 1 I started to go to the others for assistance. 2 Q Who did you go to? 2 A Usually Sean Kelly. 2 Q What did you do to resolve those inventory issues? 2 Q Who did you go to? 2 A Usually Sean Kelly. 2 Q What dus you for the was day manager yet think he was like business continuity. He was 2 B. FINKELSTEIN 3 I like an expert on everything actually so he was 3 like an expert on everything actually so he was 4 I like an expert on everything actually so he was 5 B. FINKELSTEIN 3 I like an expert on everything actually so he was 6 Page 1 like an expert on everything actually so he was 9 Like was the RF gun broken or 1 like an expert on every	12		12	
future. We were cordial to each other. We didn't really - businesswise we didn't really have too much interaction. Q Well, there was an issue. Which issue was the warehouse man having? A I don't recall. Q Do you recall anything about the issue that the warehouse man was having? A No. S official in have to do with the RF gun? A I don't think he was day manager. I don't think he was day manager yet think he was like business continuity. He was Page the RF gun. Page the RF gun. B FINKELSTEIN Q Did it have to do with the RF gun? A Like was the RF gun broken or something? No. Q Do you remember what question that you asked Maria or what issues you asked her to resolve? A I don't. Q On how many different occasions had you well, you said that you went to Maria two three times with regard to inventory issues, correct? A I don't know. Q So at the time that Maria yelled at you who was your manager? A I don't know. Q So at the time that Maria yelled at you who was your manager? A I don't know. Q So at the time that Maria yelled at you who was your manager? A I don't know. Q Did you tell John Wilkinson about what time you went to her for the two or three issues? A I don't know. Q Did yo	13		13	
16 much interaction. 17 Q Well, there was an issue. Which issue 18 was the warehouse man having? 19 A I don't recall. 20 Q Do you recall anything about the issue 21 that the warehouse man was having? 22 A No. 23 MS. CABRERA: Objection. 24 Q So did it have to do with the RF gun? 25 A It had to do with inventory which is 26 Page 27 the RF gun. 28 B. FINKELSTEIN 39 Q Did it have to do with the RF gun? 4 A Like was the RF gun broken or 5 something? No. 6 Q Do you remember what question that you asked Maria or what issues you asked her to 8 resolve? 9 A I don't. 10 Q On how many different occasions had 11 you - well, you said that you went to Maria two 12 or three times with regard to inventory issues, 15 Q Can you tell me over what period of time you went to her for the two or three issues? 16 A I and number of people there that are experts at WM 15 Istarted to go to the others for assistance. 20 Q Who did you go to? 21 A Usually Sean Kelly. 22 Q What was his title at that time? 23 A He was I don't know if he was day manager yet think he was like business continuity. He was B. FINKELSTEIN 2 B. FINKELSTEIN 3 Q Did it have to do with the RF gun? 4 A Like was the RF gun broken or 5 something? No. 5 Q Did Mr. Kelly have knowledge of WMI before he began working at the Syosset warehous A I don't know. But he was brilliant. 2 Q Mak Mr. Kelly the cause of any conflict between you and Mr. Randall? 3 A I don't know. 4 A I don't know. 5 So at the time that Maria yelled at you who was your manager? 4 A I don't was John Wilkinson. It had to be, yes. 4 I don't was John Wilkinson about what time you went to her for the two or three issues? 4 A I am sure that I did. 5 Q You had the day shift position or were 4 I am sure that I did. 6 Q And what did he respond to you?	14		14	
16 much interaction. 17 Q Well, there was an issue. Which issue 18 was the warehouse man having? 19 A I don't recall. 20 Q Do you recall anything about the issue 21 that the warehouse man was having? 22 A No. 23 MS. CABRERA: Objection. 24 Q So did it have to do with the RF gun? 25 A It had to do with inventory which is 26 Page 27 the RF gun. 28 B. FINKELSTEIN 39 Q Did it have to do with the RF gun? 4 A Like was the RF gun broken or 5 something? No. 6 Q Do you remember what question that you asked Maria or what issues you asked her to resolve? 9 A I don't. 10 Q On how many different occasions had 11 you — well, you said that you went to Maria two 12 or three times with regard to inventory issues, 12 or Tree times with regard to inventory issues, 13 correct? 14 A Yes. 15 Q Can you tell me over what period of time you went to her for the two or three issues? 16 Inventory issues? 17 A I would say a few months. 18 Inwentory issues? 19 A I don't there was a number of people there that are experts at WM I started to go to the others for assistance. 20 Q Who did you go to? 21 A Usually Sean Kelly. 22 Q What was his title at that time? 23 A He was — I don't know if he was day manager yet think he was like business continuity. He was B. FINKELSTEIN 21 B. FINKELSTEIN 22 B. FINKELSTEIN 23 B. FINKELSTEIN 24 Ike my go to, especially WMI, pretty much any V issue that I had. 25 Q Did Mr. Kelly have knowledge of WMI before he began working at the Syosset warehous A I don't know. 26 Did Mr. Kelly the cause of any conflict between you and Mr. Randall? 27 A I don't know. 28 G V So at the time that Maria yelled at you who was your manager? 38 A I don't know was your manager? 39 A I don't know was your manager? 30 A I don't know was your manager? 31 A I believe it was John Wilkinson. It had to be, yes. 31 A I believe it was John Wilkinson about what had — 32 A I was use that I did. 33 A I am sure that I did. 34 A I am sure that I did. 35 Q And what did he respond to you?	15	really businesswise we didn't really have too	15	Q What did you do to resolve those
17 Q Well, there was an issue. Which issue 18 was the warehouse man having? 19 A I don't recall. 19 A I don't recall. 20 Q Do you recall anything about the issue 21 that the warehouse man was having? 22 A No. 23 MS. CABRERA: Objection. 24 Q So did it have to do with the RF gun? 25 A It had to do with inventory which is Page 66 Page 1 the RF gun. 2 B. FINKELSTEIN 3 Q Did it have to do with the RF gun? 4 A Like was the RF gun broken or 5 something? No. 6 Q Do you remember what question that you 7 asked Maria or what issues you asked her to 8 resolve? 9 A I don't. 10 Q On how many different occasions had 11 you well, you said that you went to her for the two or three issues? 10 Q Did you tell me over what period of 11 time you went to her for the two or three issues? 17 A I would say a few months. 18 Q You had the day shift position or were 18 A I don't recall. I mean, there was a number of people there that are experts at WM 1 started to go to the the that tare experts at WM 1 I started to go to the others for assistance. 2 Q Who did you go to? 2 Q Who did you go to? 2 A Usually Sean Kelly. 2 Q What was his title at that time? A He was I don't know if he was day manager; I don't think he was day manager yet think he was like business continuity. He was 10 Page 11 the RF gun. 2 B. FINKELSTEIN 3 Q Did it have to do with the RF gun? 4 A Like was the RF gun broken or 5 something? No. 5 Q Did Mr. Kelly have knowledge of WMI 6 before he began working at the Syosset warehous A I don't know. But he was brilliant. Q Was Mr. Kelly the cause of any 2 conflict between you and Mr. Randall? A I don't know. A I don't know. But he was brilliant. Q So at the time that Maria yelled at you who was your manager? A I believe it was John Wilkinson about what had A I would say a few months. Q And what did he respond to you?	16		16	· · · · · · · · · · · · · · · · · · ·
18 was the warehouse man having? 19 A I don't recall. 20 Q Do you recall anything about the issue 21 that the warehouse man was having? 22 A No. 23 MS. CABRERA: Objection. 24 Q So did it have to do with the RF gun? 25 A It had to do with inventory which is Page 1 the RF gun. 2 B. FINKELSTEIN 3 Q Did it have to do with the RF gun? 4 A Like was the RF gun broken or 5 something? No. Q Do you remember what question that you asked Maria or what issues you asked her to 8 resolve? 9 A I don't. 0 Q On how many different occasions had 1 you well, you said that you went to Maria two 10 Q Can you tell me over what period of 11 time you went to her for the two or three issues? 12 A I was the I and 13 A I am sure that I did. 14 A Yes. 15 Q Can you tell me over what period of 16 time you went to her for the two or three issues? 16 A I would say a few months. 17 A I would say a few months. 18 Q You had the day shift position or were 18 Do you free times with regand to inventors. 18 Q You had the day shift position or were 18 Q And what did he respond to you?	17	Q Well, there was an issue. Which issue	17	
19 A I don't recall. 20 Q Do you recall anything about the issue 21 that the warehouse man was having? 22 A No. 23 MS. CABRERA: Objection. 24 Q So did it have to do with the RF gun? 25 A It had to do with inventory which is Page 66 1 the RF gun. 2 B. FINKELSTEIN 3 Q Did it have to do with the RF gun? 4 A Like was the RF gun broken or 5 something? No. Q Do you remember what question that you asked Maria or what issues you asked her to resolve? A I don't. Q On how many different occasions had 10 Q On how many different occasions had 11 you well, you said that you went to Maria two 12 or three times with regard to inventory issues, 15 Q Can you tell me over what period of 16 time you went to her for the two or three issues? 17 A I would say a few months. 18 Q You had the day shift position or were 19 A I don't know. 10 Q On how was the proof the two or three issues? 10 Q You had the day shift position or were 11 A I am sure that I did. Q And what did he respond to you?	18		18	number of people there that are experts at WMI, so
20 Q Do you recall anything about the issue 21 that the warehouse man was having? 22 A No. 23 MS. CABRERA: Objection. 24 Q So did it have to do with the RF gun? 25 A It had to do with inventory which is 26 Page 1 the RF gun. 27 B. FINKELSTEIN 28 B. FINKELSTEIN 39 Q Did it have to do with the RF gun? 4 A Like was the RF gun broken or 5 something? No. 5 Q Did was the RF gun broken or 6 Q Do you remember what question that you 7 asked Maria or what issues you asked her to 8 resolve? 9 A I don't. 10 Q On how many different occasions had 11 you well, you said that you went to Maria two 12 or three times with regard to inventory issues, 15 Q Can you tell me over what period of 16 time you went to her for the two or three issues? 17 A I would say a few months. 18 Q You had the day shift position or were 20 Q Who did you go to? 21 A Usually Sean Kelly. 22 Q What was his title at that time? 24 A Usually Sean Kelly. 22 Q What was his title at that time? 24 A Usually Sean Kelly. 22 Q What was his title at that time? 24 A He was I don't know if he was day 24 manager. I don't think he was day manager yet think he was like business continuity. He was 25 B. FINKELSTEIN 26 B. FINKELSTEIN 37 like my go to, especially WMI, pretty much any V issue that I had. 38 Jike my go to, especially WMI, pretty much any V issue that I had. 49 Q Did Mr. Kelly have knowledge of WMI before he began working at the Syosset warehous A I don't know. But he was brilliant. 40 Q Was Mr. Kelly the cause of any conflict between you and Mr. Randall? 40 A I don't know. 41 Q So at the time that Maria yelled at you who was your manager? 41 A Yes. 41 It don't know. 42 Did you tell John Wilkinson about what time you went to her for the two or three issues? 41 A I would say a few months. 42 Did you had the day shift position or were 43 Dendric the was now into the time that I did. 44 A I am sure that I did. 45 Q And what did he respond to you?	19	c c	19	• • •
that the warehouse man was having? 21	20	Q Do you recall anything about the issue	20	=
22 A No. 23 MS. CABRERA: Objection. 24 Q So did it have to do with the RF gun? 25 A It had to do with inventory which is Page 66 Page the RF gun. B. FINKELSTEIN Q Did it have to do with the RF gun? 4 A Like was the RF gun broken or 5 something? No. Q Do you remember what question that you asked Maria or what issues you asked her to 8 resolve? A I don't. Q On how many different occasions had 11 you well, you said that you went to Maria two 12 or three times with regard to inventory issues, 13 correct? 14 A Yes. 15 Q Can you tell me over what period of 16 time you went to her for the two or three issues? 17 A I would say a few months. 18 Q You had the day shift position or were Page 1 Ike was - I don't know if he was day manager, I don't knink he was like business continuity. He was was like business continuity. He was brilliant. 2 B. FINKELSTEIN 3 Ike an expert on everything actually so he was B. FINKELSTEIN 4 He was - I don't know as like business continuity. He was brilliant. 2 B. FINKELSTEIN 3 like an expert on everything actually so he was B. FINKELSTEIN 4 He was - I don't know as like business continuity. He was brilliant. 5 Q Did Mr. Kelly have knowledge of WMI 6 before he began working at the Syosset warehous A I don't know. But he was brilliant. 6 Q Was Mr. Kelly the cause of any conflict between you and Mr. Randall? 7 A I don't know. 9 Conflict between you and Mr. Randall? 10 A I don't know. 11 Q So at the time that Maria yelled at you who was your manager? 13 A I believe it was John Wilkinson. It had to be, yes. 15 Q Did you tell John Wilkinson about what had 16 time you went to her for the two or three issues? 17 A I would say a few months. 18 Q And what did he respond to you?	21		21	
24 Q So did it have to do with the RF gun? 25 A It had to do with inventory which is Page 66 Page the RF gun. B. FINKELSTEIN Q Did it have to do with the RF gun? 4 A Like was the RF gun broken or 5 something? No. Q Do you remember what question that you asked Maria or what issues you asked her to 8 resolve? A I don't. Q On how many different occasions had 1 you well, you said that you went to Maria two 12 or three times with regard to inventory issues, 15 Q Can you tell me over what period of 16 time you went to her for the two or three issues? A I would say a few months. Page 1 like an expert on everything actually so he was B. FINKELSTEIN 2 B. FINKELSTEIN 3 like my go to, especially WMI, pretty much any W issue that I had. 5 Q Did Mr. Kelly have knowledge of WMI 6 before he began working at the Syosset warehous 7 A I don't know. But he was brilliant. 8 Q Was Mr. Kelly the cause of any 9 conflict between you and Mr. Randall? 10 A I don't know. 11 Q So at the time that Maria yelled at you who was your manager? 13 A I believe it was John Wilkinson. It 14 A Yes. 15 Q Can you tell me over what period of time you went to her for the two or three issues? 16 had 17 A I am sure that I did. Q And what did he respond to you?	22		22	
Page 66 Page 66 the RF gun. B. FINKELSTEIN Q Did it have to do with the RF gun? A Like was the RF gun broken or something? No. Q Do you remember what question that you asked Maria or what issues you asked her to resolve? A I don't. Q On how many different occasions had you well, you said that you went to Maria two or three times with regard to inventory issues, C Can you tell me over what period of time you went to her for the two or three issues? A I would say a few months. Page think he was like business continuity. He was Page like an expert on everything actually so he was B. FINKELSTEIN D. Dik Mr. Kelly WMI, pretty much any W. issue that I had. Q Did Mr. Kelly have knowledge of WMI before he began working at the Syosset warehous A I don't know. But he was brilliant. Q Was Mr. Kelly the cause of any conflict between you and Mr. Randall? A I don't know. 11 Q So at the time that Maria yelled at you who was your manager? A I believe it was John Wilkinson. It had to be, yes. Q Did you tell John Wilkinson about what time you went to her for the two or three issues? A I am sure that I did. Q And what did he respond to you?	23	MS. CABRERA: Objection.	23	A He was I don't know if he was day
the RF gun. B. FINKELSTEIN Q Did it have to do with the RF gun? A Like was the RF gun broken or something? No. Q Do you remember what question that you asked Maria or what issues you asked her to resolve? A I don't. Q On how many different occasions had you well, you said that you went to Maria two or three times with regard to inventory issues, correct? A I would say a few months. Page like an expert on everything actually so he was B. FINKELSTEIN D. B. FINKELSTEIN D. B. FINKELSTEIN A I like my go to, especially WMI, pretty much any W issue that I had. D. Q Did Mr. Kelly have knowledge of WMI before he began working at the Syosset warehous A I don't know. But he was brilliant. C Was Mr. Kelly the cause of any conflict between you and Mr. Randall? A I don't know. D. A I don't know. 10 A I don't know. 11 Q So at the time that Maria yelled at you who was your manager? 12 You who was your manager? A I believe it was John Wilkinson. It had to be, yes. D. Did you tell John Wilkinson about what time you went to her for the two or three issues? A I am sure that I did. Q And what did he respond to you?	24	Q So did it have to do with the RF gun?	24	manager. I don't think he was day manager yet. I
1 the RF gun. 2 B. FINKELSTEIN 3 Q Did it have to do with the RF gun? 4 A Like was the RF gun broken or 5 something? No. 6 Q Do you remember what question that you asked Maria or what issues you asked her to 7 A I don't know. But he was brilliant. 8 resolve? 9 A I don't. 10 Q On how many different occasions had 11 you well, you said that you went to Maria two 12 or three times with regard to inventory issues, 13 correct? 14 A Yes. 15 Q Can you tell me over what period of 16 time you went to her for the two or three issues? 17 A I would say a few months. 18 Q You had the day shift position or were 18 Q Iike an expert on everything actually so he was 2 B. FINKELSTEIN 2 B. FINKELSTEIN 3 Iike my go to, especially WMI, pretty much any V issue that I had. Q Did Mr. Kelly have knowledge of WMI before he began working at the Syosset warehous 7 A I don't know. But he was brilliant. 9 Conflict between you and Mr. Randall? 10 A I don't know. 11 Q So at the time that Maria yelled at you who was your manager? 12 you who was your manager? 13 A I believe it was John Wilkinson. It 14 A Yes. 15 Q Can you tell me over what period of 16 had 17 A I am sure that I did. 18 Q You had the day shift position or were 18 Q And what did he respond to you?	25	A It had to do with inventory which is	25	think he was like business continuity. He was
1 the RF gun. 2 B. FINKELSTEIN 3 Q Did it have to do with the RF gun? 4 A Like was the RF gun broken or 5 something? No. 6 Q Do you remember what question that you asked Maria or what issues you asked her to 7 A I don't know. But he was brilliant. 8 resolve? 9 A I don't. 10 Q On how many different occasions had 11 you well, you said that you went to Maria two 12 or three times with regard to inventory issues, 13 correct? 14 A Yes. 15 Q Can you tell me over what period of 16 time you went to her for the two or three issues? 17 A I would say a few months. 18 Q You had the day shift position or were 19 A I don't know. 10 Did Mr. Kelly have knowledge of WMI before he began working at the Syosset warehous of A I don't know. But he was brilliant. 16 Q Was Mr. Kelly the cause of any conflict between you and Mr. Randall? 10 A I don't know. 11 Q So at the time that Maria yelled at you who was your manager? 12 you who was your manager? 13 A I believe it was John Wilkinson. It had to be, yes. 15 Q Did you tell John Wilkinson about what time you went to her for the two or three issues? 16 had 17 A I am sure that I did. 18 Q You had the day shift position or were 18 Q And what did he respond to you?				
B. FINKELSTEIN Q Did it have to do with the RF gun? A Like was the RF gun broken or something? No. Q Do you remember what question that you asked Maria or what issues you asked her to resolve? A I don't. Q On how many different occasions had 11 you well, you said that you went to Maria two 12 or three times with regard to inventory issues, To Q Can you tell me over what period of A I would say a few months. Q You had the day shift position or were B FINKELSTEIN B Ike my go to, especially WMI, pretty much any V issues that I had. C Q Did Mr. Kelly have knowledge of WMI before he began working at the Syosset warehous A I don't know. But he was brilliant. C Q Was Mr. Kelly have knowledge of WMI C Q Was Mr. Kelly have knowledge of WMI A I don't know. But he was brilliant. C Q Was Mr. Kelly he cause of any conflict between you and Mr. Randall? A I don't know. 10 A I don't know. 11 Q So at the time that Maria yelled at you who was your manager? 13 A I believe it was John Wilkinson. It had to be, yes. 15 Q Did you tell John Wilkinson about what 16 time you went to her for the two or three issues? 16 had 17 A I am sure that I did. Q And what did he respond to you?		Page 66		Page 68
3 Q Did it have to do with the RF gun? 4 A Like was the RF gun broken or 5 something? No. 6 Q Do you remember what question that you 7 asked Maria or what issues you asked her to 8 resolve? 9 A I don't. 10 Q On how many different occasions had 11 you well, you said that you went to Maria two 12 or three times with regard to inventory issues, 13 correct? 14 A Yes. 15 Q Did Mr. Kelly have knowledge of WMI 16 before he began working at the Syosset warehous 17 A I don't know. But he was brilliant. 18 Q Was Mr. Kelly the cause of any 19 conflict between you and Mr. Randall? 10 A I don't know. 11 Q So at the time that Maria yelled at 12 you who was your manager? 13 A I believe it was John Wilkinson. It 14 A Yes. 15 Q Can you tell me over what period of 16 time you went to her for the two or three issues? 17 A I would say a few months. 18 Q You had the day shift position or were 18 Q And what did he respond to you?	1	the RF gun.	1	like an expert on everything actually so he was
A Like was the RF gun broken or something? No. Q Do you remember what question that you asked Maria or what issues you asked her to Resolve? A I don't know. But he was brilliant. Resolve? A I don't know. But he was brilliant. Resolve? A I don't know. Resolve? A I don't know. Resolve? A I don't know. Conflict between you and Mr. Randall? A D On bow many different occasions had 10 A I don't know. Conflict between you and Mr. Randall? A D On bow many different occasions had 10 A I don't know. Conflict between yo	2	B. FINKELSTEIN	2	B. FINKELSTEIN
5 something? No. 6 Q Do you remember what question that you 7 asked Maria or what issues you asked her to 8 resolve? 9 A I don't. 10 Q On how many different occasions had 11 you well, you said that you went to Maria two 12 or three times with regard to inventory issues, 13 correct? 14 A Yes. 15 Q Can you tell me over what period of 16 time you went to her for the two or three issues? 17 A I would say a few months. 18 Q You had the day shift position or were 19 Did Mr. Kelly have knowledge of WMI 6 before he began working at the Syosset warehous 7 A I don't know. 9 Conflict between you and Mr. Randall? 10 A I don't know. 11 Q So at the time that Maria yelled at you who was your manager? 12 you who was your manager? 13 A I believe it was John Wilkinson. It had to be, yes. 14 had to be, yes. 15 Q Did you tell John Wilkinson about what 16 time you went to her for the two or three issues? 17 A I am sure that I did. 18 Q You had the day shift position or were 18 Q And what did he respond to you?	3		3	like my go to, especially WMI, pretty much any WMI
Q Do you remember what question that you asked Maria or what issues you asked her to resolve? A I don't know. But he was brilliant. Q Was Mr. Kelly the cause of any conflict between you and Mr. Randall? Q On how many different occasions had you well, you said that you went to Maria two or three times with regard to inventory issues, correct? A I don't know. Q So at the time that Maria yelled at you who was your manager? A I believe it was John Wilkinson. It had to be, yes. Q Can you tell me over what period of time you went to her for the two or three issues? A I would say a few months. Q And what did he respond to you?	4		4	issue that I had.
7 asked Maria or what issues you asked her to 8 resolve? 9 A I don't. 10 Q On how many different occasions had 11 you well, you said that you went to Maria two 12 or three times with regard to inventory issues, 13 correct? 14 A Yes. 15 Q Can you tell me over what period of 16 time you went to her for the two or three issues? 17 A I would say a few months. 18 Q You had the day shift position or were 19 A I don't know. 10 A I don't know. 11 Q So at the time that Maria yelled at 12 you who was your manager? 13 A I believe it was John Wilkinson. It 14 had to be, yes. 15 Q Did you tell John Wilkinson about what 16 had 17 A I would say a few months. 17 A I am sure that I did. 18 Q And what did he respond to you?	5	=	5	
resolve? A I don't. Q On how many different occasions had 10 A I don't know. 11 you well, you said that you went to Maria two 12 or three times with regard to inventory issues, 13 correct? 14 A Yes. 15 Q Can you tell me over what period of 16 time you went to her for the two or three issues? 17 A I would say a few months. 18 Q You had the day shift position or were 8 Q Was Mr. Kelly the cause of any 9 conflict between you and Mr. Randall? 10 A I don't know. 11 Q So at the time that Maria yelled at 12 you who was your manager? 13 A I believe it was John Wilkinson. It 14 had to be, yes. 15 Q Did you tell John Wilkinson about what 16 had 17 A I am sure that I did. 18 Q You had the day shift position or were 18 Q And what did he respond to you?	6			before he began working at the Syosset warehouse?
9 conflict between you and Mr. Randall? 10 Q On how many different occasions had 11 you well, you said that you went to Maria two 12 or three times with regard to inventory issues, 13 correct? 14 A Yes. 15 Q Can you tell me over what period of 16 time you went to her for the two or three issues? 17 A I would say a few months. 18 Q You had the day shift position or were 19 conflict between you and Mr. Randall? 10 A I don't know. 11 Q So at the time that Maria yelled at 12 you who was your manager? 13 A I believe it was John Wilkinson. It 14 had to be, yes. 15 Q Did you tell John Wilkinson about what 16 had 17 A I am sure that I did. 18 Q And what did he respond to you?		•		
10 Q On how many different occasions had 11 you well, you said that you went to Maria two 12 or three times with regard to inventory issues, 13 correct? 14 A Yes. 15 Q Can you tell me over what period of 16 time you went to her for the two or three issues? 17 A I would say a few months. 18 Q You had the day shift position or were 10 A I don't know. 11 Q So at the time that Maria yelled at 12 you who was your manager? 13 A I believe it was John Wilkinson. It 14 had to be, yes. 15 Q Did you tell John Wilkinson about what 16 had 17 A I am sure that I did. 18 Q And what did he respond to you?				•
11 you well, you said that you went to Maria two 12 or three times with regard to inventory issues, 13 correct? 14 A Yes. 15 Q Can you tell me over what period of 16 time you went to her for the two or three issues? 17 A I would say a few months. 18 Q You had the day shift position or were 19 Q So at the time that Maria yelled at 20 you who was your manager? 21 you who was your manager? 22 you who was John Wilkinson. It 23 A I believe it was John Wilkinson. It 24 had to be, yes. 25 Q Did you tell John Wilkinson about what 26 had 27 A I am sure that I did. 27 A I am sure that I did. 28 Q And what did he respond to you?				-
12 or three times with regard to inventory issues, 13 correct? 14 A Yes. 15 Q Can you tell me over what period of 16 time you went to her for the two or three issues? 17 A I would say a few months. 18 Q You had the day shift position or were 19 you who was your manager? 10 Had to be, yes. 110 Did you tell John Wilkinson about what 111 had 112 You who was your manager? 113 A I believe it was John Wilkinson. It 12 You who was your manager? 13 A I believe it was John Wilkinson. It 14 had to be, yes. 15 Q Did you tell John Wilkinson about what 16 had 17 A I am sure that I did. 18 Q And what did he respond to you?				
13 A I believe it was John Wilkinson. It 14 A Yes. 15 Q Can you tell me over what period of 16 time you went to her for the two or three issues? 17 A I would say a few months. 18 Q You had the day shift position or were 19 A I was John Wilkinson. It 10 A I believe it was John Wilkinson. It 11 had to be, yes. 12 A Did you tell John Wilkinson about what 13 A I am sure that I did. 14 had to be, yes. 15 A I am sure that I did. 16 P A I would say a few months. 17 A I am sure that I did. 18 Q And what did he respond to you?				•
14 A Yes. 15 Q Can you tell me over what period of 16 time you went to her for the two or three issues? 17 A I would say a few months. 18 Q You had the day shift position or were 19 had to be, yes. 10 Did you tell John Wilkinson about what 16 had 17 A I am sure that I did. 18 Q And what did he respond to you?				
15 Q Can you tell me over what period of 16 time you went to her for the two or three issues? 17 A I would say a few months. 18 Q You had the day shift position or were 19 Q Did you tell John Wilkinson about what 10 had 11 A I am sure that I did. 12 Q And what did he respond to you?				
16 time you went to her for the two or three issues? 17 A I would say a few months. 18 Q You had the day shift position or were 19 A I am sure that I did. 10 A I am sure that I did. 11 Q And what did he respond to you?				-
17 A I would say a few months. 17 A I am sure that I did. 18 Q You had the day shift position or were 18 Q And what did he respond to you?		•		
18 Q You had the day shift position or were 18 Q And what did he respond to you?				
		· · · · · · · · · · · · · · · · · · ·		
you without a title when you went to Maria? 19 A I don't recall.				• •
20 MS. CABRERA: Objection. 20 Q And on the two to three occasions that		-		•
21 A I don't really recall where I was at 21 you actually went to Maria with inventory issues				
22 at that point when that happened. 22 was John Wilkinson your manager during all of				
23 Q So you could have had the day 23 these three occasions?				
24 operations manager position or you could have been 24 A At that point, yes. He was the				
25 without a title? 25 director of operations so yes.	25	without a title?	25	director of operations so yes.

	Page 69		Page 71
1	Q After you spoke with Maria would you	1	hard to answer that. I think I just sort of went
2	B. FINKELSTEIN	2	B. FINKELSTEIN
3	speak with John Wilkinson?	3	with it as I started doing it.
4	A Would I speak to him like right after?	4	Q If you did not know what the
5	Q Or shortly thereafter?	5	requirements of her job was how could you express
6	A Possibly.	6	an opinion as to whether she was good at her job?
7	Q Was Maria good at her job?	7	A I think part of it is interaction. I
8	A That's subjective. I do not think she	8	think that's a very important part of doing a job
9	was good at her job.	9	well, being approachable.
10	Q Why not?	10	Q So would it be her demeanor?
11	A Well, especially after I had her job I	11	A Yes. I think that was a big problem.
12	realized that first of all, our inventory was	12	Q Other than her demeanor is there any
13	still a bit of a mess when I got into that	13	other reason why you believe she wasn't good at
14	position. She never hit the floor which always	14	her job?
15	amazed me. It was very difficult to do that job	15	A Firsthand, no.
16	without hitting the floor, and she was difficult	16	Q Other than firsthand is there any
17	to work with.	17	other reason why other than her demeanor you
18	Q So let me just go through this. You	18	believe she wasn't good at her job?
19	had a belief she was not good at her job. Was	19	A The only thing I could tell you is
20	that only after you began doing her job?	20	that there on the cycle count side the cycle
21	A No. I think it was even before that.	21	counters used to complain to me they are counting
22	Q Before you began doing Maria's job	22	the same locations every day which made me realize
23	well, how did you know you were doing Maria's job?	23	that she is not investigating and processing.
24	A Um, I just started to get involved in	24	Q Which cycle counters were telling you
25	inventory and slowly started learning more. I	25	that they were counting the same location every
	Page 70		Page 72
1	like to learn. So I don't think it was like a	1	day?
2	B. FINKELSTEIN	l _	D EDIVELOTEDI
3		2	B. FINKELSTEIN
_	planned thing for me, and I wouldn't say I was	3	A Pretty much all of them.
4	planned thing for me, and I wouldn't say I was doing her job. I was doing some of the		
		3	A Pretty much all of them.
4	doing her job. I was doing some of the	3 4	A Pretty much all of them.Q Maria was their boss, correct?
4 5	doing her job. I was doing some of the responsibilities that she had done when it comes	3 4 5	A Pretty much all of them.Q Maria was their boss, correct?A Was their what?
4 5 6	doing her job. I was doing some of the responsibilities that she had done when it comes to working with cycle counters but a lot more than	3 4 5 6	A Pretty much all of them.Q Maria was their boss, correct?A Was their what?Q Was their boss?
4 5 6 7	doing her job. I was doing some of the responsibilities that she had done when it comes to working with cycle counters but a lot more than that.	3 4 5 6 7	A Pretty much all of them.Q Maria was their boss, correct?A Was their what?Q Was their boss?A Yes.
4 5 6 7 8	doing her job. I was doing some of the responsibilities that she had done when it comes to working with cycle counters but a lot more than that. Q How did you know what her	3 4 5 6 7 8	 A Pretty much all of them. Q Maria was their boss, correct? A Was their what? Q Was their boss? A Yes. Q How did you know they were counting
4 5 6 7 8 9	doing her job. I was doing some of the responsibilities that she had done when it comes to working with cycle counters but a lot more than that. Q How did you know what her responsibilities were as inventory control	3 4 5 6 7 8 9	A Pretty much all of them. Q Maria was their boss, correct? A Was their what? Q Was their boss? A Yes. Q How did you know they were counting the same locations every day?
4 5 6 7 8 9	doing her job. I was doing some of the responsibilities that she had done when it comes to working with cycle counters but a lot more than that. Q How did you know what her responsibilities were as inventory control manager?	3 4 5 6 7 8 9	A Pretty much all of them. Q Maria was their boss, correct? A Was their what? Q Was their boss? A Yes. Q How did you know they were counting the same locations every day? A They told me.
4 5 6 7 8 9 10	doing her job. I was doing some of the responsibilities that she had done when it comes to working with cycle counters but a lot more than that. Q How did you know what her responsibilities were as inventory control manager? A I didn't know until I started diving	3 4 5 6 7 8 9 10	A Pretty much all of them. Q Maria was their boss, correct? A Was their what? Q Was their boss? A Yes. Q How did you know they were counting the same locations every day? A They told me. Q Other than them telling you?
4 5 6 7 8 9 10 11	doing her job. I was doing some of the responsibilities that she had done when it comes to working with cycle counters but a lot more than that. Q How did you know what her responsibilities were as inventory control manager? A I didn't know until I started diving into inventory control.	3 4 5 6 7 8 9 10 11	A Pretty much all of them. Q Maria was their boss, correct? A Was their what? Q Was their boss? A Yes. Q How did you know they were counting the same locations every day? A They told me. Q Other than them telling you? A I don't know.
4 5 6 7 8 9 10 11 12 13	doing her job. I was doing some of the responsibilities that she had done when it comes to working with cycle counters but a lot more than that. Q How did you know what her responsibilities were as inventory control manager? A I didn't know until I started diving into inventory control. Q What led you to believe that well,	3 4 5 6 7 8 9 10 11 12 13	A Pretty much all of them. Q Maria was their boss, correct? A Was their what? Q Was their boss? A Yes. Q How did you know they were counting the same locations every day? A They told me. Q Other than them telling you? A I don't know. Q So do you know if they were actually
4 5 6 7 8 9 10 11 12 13 14	doing her job. I was doing some of the responsibilities that she had done when it comes to working with cycle counters but a lot more than that. Q How did you know what her responsibilities were as inventory control manager? A I didn't know until I started diving into inventory control. Q What led you to believe that well, what did you learn about what her duties were when	3 4 5 6 7 8 9 10 11 12 13 14	A Pretty much all of them. Q Maria was their boss, correct? A Was their what? Q Was their boss? A Yes. Q How did you know they were counting the same locations every day? A They told me. Q Other than them telling you? A I don't know. Q So do you know if they were actually counting the same locations every day? A I guess not. Q So other than what you have already
4 5 6 7 8 9 10 11 12 13 14	doing her job. I was doing some of the responsibilities that she had done when it comes to working with cycle counters but a lot more than that. Q How did you know what her responsibilities were as inventory control manager? A I didn't know until I started diving into inventory control. Q What led you to believe that well, what did you learn about what her duties were when you began diving into inventory control?	3 4 5 6 7 8 9 10 11 12 13 14 15	A Pretty much all of them. Q Maria was their boss, correct? A Was their what? Q Was their boss? A Yes. Q How did you know they were counting the same locations every day? A They told me. Q Other than them telling you? A I don't know. Q So do you know if they were actually counting the same locations every day? A I guess not. Q So other than what you have already described, her demeanor and what the cycle
4 5 6 7 8 9 10 11 12 13 14 15	doing her job. I was doing some of the responsibilities that she had done when it comes to working with cycle counters but a lot more than that. Q How did you know what her responsibilities were as inventory control manager? A I didn't know until I started diving into inventory control. Q What led you to believe that well, what did you learn about what her duties were when you began diving into inventory control? A What did I learn about that position? Q Yes. Q That it's probably the most important	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Pretty much all of them. Q Maria was their boss, correct? A Was their what? Q Was their boss? A Yes. Q How did you know they were counting the same locations every day? A They told me. Q Other than them telling you? A I don't know. Q So do you know if they were actually counting the same locations every day? A I guess not. Q So other than what you have already described, her demeanor and what the cycle counters told you, is there any other reason why
4 5 6 7 8 9 10 11 12 13 14 15 16	doing her job. I was doing some of the responsibilities that she had done when it comes to working with cycle counters but a lot more than that. Q How did you know what her responsibilities were as inventory control manager? A I didn't know until I started diving into inventory control. Q What led you to believe that well, what did you learn about what her duties were when you began diving into inventory control? A What did I learn about that position? Q Yes.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A Pretty much all of them. Q Maria was their boss, correct? A Was their what? Q Was their boss? A Yes. Q How did you know they were counting the same locations every day? A They told me. Q Other than them telling you? A I don't know. Q So do you know if they were actually counting the same locations every day? A I guess not. Q So other than what you have already described, her demeanor and what the cycle counters told you, is there any other reason why you believe Maria was not good at her job?
4 5 6 7 8 9 10 11 12 13 14 15 16 17	doing her job. I was doing some of the responsibilities that she had done when it comes to working with cycle counters but a lot more than that. Q How did you know what her responsibilities were as inventory control manager? A I didn't know until I started diving into inventory control. Q What led you to believe that well, what did you learn about what her duties were when you began diving into inventory control? A What did I learn about that position? Q Yes. Q That it's probably the most important	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Pretty much all of them. Q Maria was their boss, correct? A Was their what? Q Was their boss? A Yes. Q How did you know they were counting the same locations every day? A They told me. Q Other than them telling you? A I don't know. Q So do you know if they were actually counting the same locations every day? A I guess not. Q So other than what you have already described, her demeanor and what the cycle counters told you, is there any other reason why you believe Maria was not good at her job? A No.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	doing her job. I was doing some of the responsibilities that she had done when it comes to working with cycle counters but a lot more than that. Q How did you know what her responsibilities were as inventory control manager? A I didn't know until I started diving into inventory control. Q What led you to believe that well, what did you learn about what her duties were when you began diving into inventory control? A What did I learn about that position? Q Yes. Q That it's probably the most important thing, that it is very time sensitive, you know?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Pretty much all of them. Q Maria was their boss, correct? A Was their what? Q Was their boss? A Yes. Q How did you know they were counting the same locations every day? A They told me. Q Other than them telling you? A I don't know. Q So do you know if they were actually counting the same locations every day? A I guess not. Q So other than what you have already described, her demeanor and what the cycle counters told you, is there any other reason why you believe Maria was not good at her job? A No. Q How many warehouse men are employed
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	doing her job. I was doing some of the responsibilities that she had done when it comes to working with cycle counters but a lot more than that. Q How did you know what her responsibilities were as inventory control manager? A I didn't know until I started diving into inventory control. Q What led you to believe that well, what did you learn about what her duties were when you began diving into inventory control? A What did I learn about that position? Q Yes. Q That it's probably the most important thing, that it is very time sensitive, you know? Problems need to be resolved like immediately.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Pretty much all of them. Q Maria was their boss, correct? A Was their what? Q Was their boss? A Yes. Q How did you know they were counting the same locations every day? A They told me. Q Other than them telling you? A I don't know. Q So do you know if they were actually counting the same locations every day? A I guess not. Q So other than what you have already described, her demeanor and what the cycle counters told you, is there any other reason why you believe Maria was not good at her job? A No. Q How many warehouse men are employed at the Syosset, New York location?
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	doing her job. I was doing some of the responsibilities that she had done when it comes to working with cycle counters but a lot more than that. Q How did you know what her responsibilities were as inventory control manager? A I didn't know until I started diving into inventory control. Q What led you to believe that well, what did you learn about what her duties were when you began diving into inventory control? A What did I learn about that position? Q Yes. Q That it's probably the most important thing, that it is very time sensitive, you know? Problems need to be resolved like immediately. Q Did you learn anything about what her	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Pretty much all of them. Q Maria was their boss, correct? A Was their what? Q Was their boss? A Yes. Q How did you know they were counting the same locations every day? A They told me. Q Other than them telling you? A I don't know. Q So do you know if they were actually counting the same locations every day? A I guess not. Q So other than what you have already described, her demeanor and what the cycle counters told you, is there any other reason why you believe Maria was not good at her job? A No. Q How many warehouse men are employed at the Syosset, New York location? A Now?
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	doing her job. I was doing some of the responsibilities that she had done when it comes to working with cycle counters but a lot more than that. Q How did you know what her responsibilities were as inventory control manager? A I didn't know until I started diving into inventory control. Q What led you to believe that well, what did you learn about what her duties were when you began diving into inventory control? A What did I learn about that position? Q Yes. Q That it's probably the most important thing, that it is very time sensitive, you know? Problems need to be resolved like immediately. Q Did you learn anything about what her job was when you became involved in inventory? A Again, I didn't really know specifically what if she even had a job, a list	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A Pretty much all of them. Q Maria was their boss, correct? A Was their what? Q Was their boss? A Yes. Q How did you know they were counting the same locations every day? A They told me. Q Other than them telling you? A I don't know. Q So do you know if they were actually counting the same locations every day? A I guess not. Q So other than what you have already described, her demeanor and what the cycle counters told you, is there any other reason why you believe Maria was not good at her job? A No. Q How many warehouse men are employed at the Syosset, New York location? A Now? Q Yes.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	doing her job. I was doing some of the responsibilities that she had done when it comes to working with cycle counters but a lot more than that. Q How did you know what her responsibilities were as inventory control manager? A I didn't know until I started diving into inventory control. Q What led you to believe that well, what did you learn about what her duties were when you began diving into inventory control? A What did I learn about that position? Q Yes. Q That it's probably the most important thing, that it is very time sensitive, you know? Problems need to be resolved like immediately. Q Did you learn anything about what her job was when you became involved in inventory? A Again, I didn't really know	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Pretty much all of them. Q Maria was their boss, correct? A Was their what? Q Was their boss? A Yes. Q How did you know they were counting the same locations every day? A They told me. Q Other than them telling you? A I don't know. Q So do you know if they were actually counting the same locations every day? A I guess not. Q So other than what you have already described, her demeanor and what the cycle counters told you, is there any other reason why you believe Maria was not good at her job? A No. Q How many warehouse men are employed at the Syosset, New York location? A Now?

Page 73	Page 75
1 Q If we go back to 2014, approximately	1 A We have had supervisors but not
2 B. FINKELSTEIN	2 B. FINKELSTEIN
3 how many warehouse men were employed in 2014?	3 warehouse.
4 A I would say maybe there were 20 more	4 Q Okay. So in all of your years at
5 back then.	5 Southern you never had a single woman apply for a
6 Q Is there turnover in the warehouse men	6 warehouse position?
7 position?	7 A To me that's correct.
8 A No.	8 Q Do you know whether any women were
9 Q Is there some turnover in the	9 filtered out who had applied before they got to
10 warehouse position?	10 you?
11 A Not much.	11 A I do not.
12 Q So how many female warehouse men were	12 Q Were you the hiring manager?
13 there?	A When they had overnights, yes.
14 A Warehouse people.	14 Q Did you have any say other women
15 Q Warehouse people?	applicants actually made it to the interview
16 A None.	16 process?
Q And that would be for the entire time	17 A Um, back then it has changed since,
that you were employed by Southern in Syosset?	but back then, yes.
19 A I think we might have had one at one	Q What say did you have over what
20 point.	applicants made it to the interview process?
Q Are you guessing?	A I read resumes and let HR know who to
A I am guessing. I sort of remember one	22 send for an interview.
coming in and making it for one night.	Q Would you get the resumes from HR?
Q Other than that person who may have	A I believe so. It is a long time ago.
come in and made it through one night were there	25 Q So you would get the resumes from HR.
Page 74	Page 76
any other women hired as withdrawn. Were there	1 V
any other women mice as withdrawn. Were there	1 You would pick the ones that you wanted to
2 B. FINKELSTEIN	2 B. FINKELSTEIN
I	
2 B. FINKELSTEIN	2 B. FINKELSTEIN
2 B. FINKELSTEIN 3 any other women who worked as warehouse people at	2 B. FINKELSTEIN 3 interview?
2 B. FINKELSTEIN 3 any other women who worked as warehouse people at 4 the Syosset location during the entire time that	2 B. FINKELSTEIN 3 interview? 4 A Yes.
B. FINKELSTEIN any other women who worked as warehouse people at the Syosset location during the entire time that you were employed?	2 B. FINKELSTEIN 3 interview? 4 A Yes. 5 Q And they would arrange those
B. FINKELSTEIN any other women who worked as warehouse people at the Syosset location during the entire time that you were employed? A There are no women applicants so the	2 B. FINKELSTEIN 3 interview? 4 A Yes. 5 Q And they would arrange those 6 interviews?
B. FINKELSTEIN any other women who worked as warehouse people at the Syosset location during the entire time that you were employed? A. There are no women applicants so the answer is no to that. Q. Why were there were no women applicants?	2 B. FINKELSTEIN 3 interview? 4 A Yes. 5 Q And they would arrange those 6 interviews? 7 MS. CABRERA: Objection to the form of
B. FINKELSTEIN any other women who worked as warehouse people at the Syosset location during the entire time that you were employed? A There are no women applicants so the answer is no to that. Q Why were there were no women applicants? A I had never had women applicants come	2 B. FINKELSTEIN 3 interview? 4 A Yes. 5 Q And they would arrange those 6 interviews? 7 MS. CABRERA: Objection to the form of 8 the question. 9 Q Would they arrange those interviews? 10 A I don't recall. I don't remember if
B. FINKELSTEIN any other women who worked as warehouse people at the Syosset location during the entire time that you were employed? A. There are no women applicants so the answer is no to that. Q. Why were there were no women applicants? A. I had never had women applicants come in, and especially on the overnights you have	2 B. FINKELSTEIN 3 interview? 4 A Yes. 5 Q And they would arrange those 6 interviews? 7 MS. CABRERA: Objection to the form of 8 the question. 9 Q Would they arrange those interviews? 10 A I don't recall. I don't remember if 11 it was them that arranged it or I arranged it.
B. FINKELSTEIN any other women who worked as warehouse people at the Syosset location during the entire time that you were employed? A There are no women applicants so the answer is no to that. Q Why were there were no women applicants? A I had never had women applicants come in, and especially on the overnights you have do come in for overnights first.	2 B. FINKELSTEIN 3 interview? 4 A Yes. 5 Q And they would arrange those 6 interviews? 7 MS. CABRERA: Objection to the form of 8 the question. 9 Q Would they arrange those interviews? 10 A I don't recall. I don't remember if 11 it was them that arranged it or I arranged it. 12 Q Okay. How many individual warehouse
B. FINKELSTEIN any other women who worked as warehouse people at the Syosset location during the entire time that you were employed? A There are no women applicants so the answer is no to that. Q Why were there were no women applicants? A I had never had women applicants come in, and especially on the overnights you have do come in for overnights first. Q If Elizabeth Toohig testified that	2 B. FINKELSTEIN 3 interview? 4 A Yes. 5 Q And they would arrange those 6 interviews? 7 MS. CABRERA: Objection to the form of 8 the question. 9 Q Would they arrange those interviews? 10 A I don't recall. I don't remember if 11 it was them that arranged it or I arranged it. 12 Q Okay. How many individual warehouse 13 people did you hire during your employment at
B. FINKELSTEIN any other women who worked as warehouse people at the Syosset location during the entire time that you were employed? A There are no women applicants so the answer is no to that. Q Why were there were no women applicants? A I had never had women applicants come in, and especially on the overnights you have do come in for overnights first. Q If Elizabeth Toohig testified that women actually applied for that position what	2 B. FINKELSTEIN 3 interview? 4 A Yes. 5 Q And they would arrange those 6 interviews? 7 MS. CABRERA: Objection to the form of 8 the question. 9 Q Would they arrange those interviews? 10 A I don't recall. I don't remember if 11 it was them that arranged it or I arranged it. 12 Q Okay. How many individual warehouse 13 people did you hire during your employment at 14 Southem?
B. FINKELSTEIN any other women who worked as warehouse people at the Syosset location during the entire time that you were employed? A There are no women applicants so the answer is no to that. Q Why were there were no women applicants? A I had never had women applicants come in, and especially on the overnights you have do come in for overnights first. Q If Elizabeth Toohig testified that women actually applied for that position what would you say to that?	2 B. FINKELSTEIN 3 interview? 4 A Yes. 5 Q And they would arrange those 6 interviews? 7 MS. CABRERA: Objection to the form of 8 the question. 9 Q Would they arrange those interviews? 10 A I don't recall. I don't remember if 11 it was them that arranged it or I arranged it. 12 Q Okay. How many individual warehouse 13 people did you hire during your employment at 14 Southem? 15 A I would have to say maybe 20 or 30.
B. FINKELSTEIN any other women who worked as warehouse people at the Syosset location during the entire time that you were employed? A There are no women applicants so the answer is no to that. Q Why were there were no women applicants? A I had never had women applicants come in, and especially on the overnights you have do come in for overnights first. Q If Elizabeth Toohig testified that women actually applied for that position what would you say to that? A Women have applied for it? They never	2 B. FINKELSTEIN 3 interview? 4 A Yes. 5 Q And they would arrange those 6 interviews? 7 MS. CABRERA: Objection to the form of 8 the question. 9 Q Would they arrange those interviews? 10 A I don't recall. I don't remember if 11 it was them that arranged it or I arranged it. 12 Q Okay. How many individual warehouse 13 people did you hire during your employment at 14 Southem? 15 A I would have to say maybe 20 or 30. 16 Q Did any female ever supervise
B. FINKELSTEIN any other women who worked as warehouse people at the Syosset location during the entire time that you were employed? A There are no women applicants so the answer is no to that. Q Why were there were no women applicants? A I had never had women applicants come in, and especially on the overnights you have do come in for overnights first. Q If Elizabeth Toohig testified that women actually applied for that position what would you say to that? A Women have applied for it? They never made it to the warehouse. I have never had a	B. FINKELSTEIN interview? A Yes. Q And they would arrange those interviews? MS. CABRERA: Objection to the form of the question. Q Would they arrange those interviews? A I don't recall. I don't remember if it was them that arranged it or I arranged it. Q Okay. How many individual warehouse people did you hire during your employment at Southem? A I would have to say maybe 20 or 30. Q Did any female ever supervise warehouse men at Southern's Syosset location?
B. FINKELSTEIN any other women who worked as warehouse people at the Syosset location during the entire time that you were employed? A There are no women applicants so the answer is no to that. Q Why were there were no women applicants? A I had never had women applicants come in, and especially on the overnights you have do come in for overnights first. Q If Elizabeth Toohig testified that women actually applied for that position what would you say to that? A Women have applied for it? They never made it to the warehouse. I have never had a women apply.	B. FINKELSTEIN interview? A Yes. Q And they would arrange those interviews? MS. CABRERA: Objection to the form of the question. Q Would they arrange those interviews? A I don't recall. I don't remember if it was them that arranged it or I arranged it. Q Okay. How many individual warehouse people did you hire during your employment at Southern? A I would have to say maybe 20 or 30. Q Did any female ever supervise warehouse men at Southern's Syosset location? A Yes. We have one currently who has
B. FINKELSTEIN any other women who worked as warehouse people at the Syosset location during the entire time that you were employed? A There are no women applicants so the answer is no to that. Q Why were there were no women applicants? A I had never had women applicants come in, and especially on the overnights you have do come in for overnights first. Q If Elizabeth Toohig testified that women actually applied for that position what would you say to that? A Women have applied for it? They never made it to the warehouse. I have never had a women apply. Q So women may have applied, but they	B. FINKELSTEIN interview? A Yes. Q And they would arrange those interviews? MS. CABRERA: Objection to the form of the question. Q Would they arrange those interviews? A I don't recall. I don't remember if it was them that arranged it or I arranged it. Q Okay. How many individual warehouse people did you hire during your employment at Southem? A I would have to say maybe 20 or 30. Q Did any female ever supervise warehouse men at Southern's Syosset location? A Yes. We have one currently who has been here for a number of years if you want her
B. FINKELSTEIN any other women who worked as warehouse people at the Syosset location during the entire time that you were employed? A There are no women applicants so the answer is no to that. Q Why were there were no women applicants? A I had never had women applicants come in, and especially on the overnights you have do come in for overnights first. Q If Elizabeth Toohig testified that women actually applied for that position what would you say to that? A Women have applied for it? They never made it to the warehouse. I have never had a women apply. Q So women may have applied, but they never made it to the warehouse?	B. FINKELSTEIN interview? A Yes. Q And they would arrange those interviews? MS. CABRERA: Objection to the form of the question. Q Would they arrange those interviews? A I don't recall. I don't remember if it was them that arranged it or I arranged it. Q Okay. How many individual warehouse people did you hire during your employment at Southem? A I would have to say maybe 20 or 30. Q Did any female ever supervise warehouse men at Southern's Syosset location? A Yes. We have one currently who has been here for a number of years if you want her name.
any other women who worked as warehouse people at the Syosset location during the entire time that you were employed? A There are no women applicants so the answer is no to that. Q Why were there were no women applicants? A I had never had women applicants come in, and especially on the overnights you have do come in for overnights first. Q If Elizabeth Toohig testified that women actually applied for that position what would you say to that? A Women have applied for it? They never made it to the warehouse. I have never had a women apply. Q So women may have applied, but they never made it to the warehouse? A If that's what you are saying. To the	B. FINKELSTEIN interview? A Yes. Q And they would arrange those interviews? MS. CABRERA: Objection to the form of the question. Q Would they arrange those interviews? A I don't recall. I don't remember if it was them that arranged it or I arranged it. Q Okay. How many individual warehouse people did you hire during your employment at Southem? A I would have to say maybe 20 or 30. Q Did any female ever supervise warehouse men at Southern's Syosset location? A Yes. We have one currently who has been here for a number of years if you want her name. Q Yes.
any other women who worked as warehouse people at the Syosset location during the entire time that you were employed? A There are no women applicants so the answer is no to that. Q Why were there were no women applicants? A I had never had women applicants come in, and especially on the overnights you have do come in for overnights first. Q If Elizabeth Toohig testified that women actually applied for that position what would you say to that? A Women have applied for it? They never made it to the warehouse. I have never had a women apply. Q So women may have applied, but they never made it to the warehouse? A If that's what you are saying. To the best of my knowledge I have never had a woman	B. FINKELSTEIN interview? A Yes. Q And they would arrange those interviews? MS. CABRERA: Objection to the form of the question. Q Would they arrange those interviews? A I don't recall. I don't remember if it was them that arranged it or I arranged it. Q Okay. How many individual warehouse people did you hire during your employment at Southem? A I would have to say maybe 20 or 30. Q Did any female ever supervise warehouse men at Southern's Syosset location? A Yes. We have one currently who has been here for a number of years if you want her name. Q Yes. A Esther King. We had another one maybe
any other women who worked as warehouse people at the Syosset location during the entire time that you were employed? A There are no women applicants so the answer is no to that. Q Why were there were no women applicants? A I had never had women applicants come in, and especially on the overnights you have do come in for overnights first. Q If Elizabeth Toohig testified that women actually applied for that position what would you say to that? A Women have applied for it? They never made it to the warehouse. I have never had a women apply. Q So women may have applied, but they never made it to the warehouse? A If that's what you are saying. To the best of my knowledge I have never had a woman applicant come in for an interview or be	B. FINKELSTEIN interview? A Yes. Q And they would arrange those interviews? MS. CABRERA: Objection to the form of the question. Q Would they arrange those interviews? A I don't recall. I don't remember if it was them that arranged it or I arranged it. Q Okay. How many individual warehouse people did you hire during your employment at Southem? A I would have to say maybe 20 or 30. Q Did any female ever supervise warehouse men at Southern's Syosset location? A Yes. We have one currently who has been here for a number of years if you want her name. Q Yes. A Esther King. We had another one maybe about I don't know. I am guessing about eight
B. FINKELSTEIN any other women who worked as warehouse people at the Syosset location during the entire time that you were employed? A There are no women applicants so the answer is no to that. Q Why were there were no women applicants? A I had never had women applicants come in, and especially on the overnights you have do come in for overnights first. Q If Elizabeth Toohig testified that women actually applied for that position what would you say to that? A Women have applied for it? They never made it to the warehouse. I have never had a women apply. Q So women may have applied, but they never made it to the warehouse? A If that's what you are saying. To the best of my knowledge I have never had a woman	B. FINKELSTEIN interview? A Yes. Q And they would arrange those interviews? MS. CABRERA: Objection to the form of the question. Q Would they arrange those interviews? A I don't recall. I don't remember if it was them that arranged it or I arranged it. Q Okay. How many individual warehouse people did you hire during your employment at Southem? A I would have to say maybe 20 or 30. Q Did any female ever supervise warehouse men at Southern's Syosset location? A Yes. We have one currently who has been here for a number of years if you want her name. Q Yes. A Esther King. We had another one maybe

	Page 77		Page 79
1		1	believe that we would stop anyone from applying
2	years. B. FINKELSTEIN	2	B. FINKELSTEIN
3	Q What is Esther King's job?	3	and getting a position.
4	A She is a supervisor. She is a WMI	4	Q What leads you to believe that?
5	super user. She is my Sean Kelly.	5	A I believe we never said no to anyone.
6	Q What is a WMI super user?	6	We never had an applicant to the best of my
7	A It is a terminology that they use for	7	knowledge come in, a female, but I don't believe
8	someone that knows the system inside and out.	8	that anyone would say no, you are a female. You
9	Q Did she receive any training in this	9	are not getting a job. I don't believe that is
10	system?	10	the culture in the company.
11	A She did through Sean Kelly actually.	11	Q Is warehouse experience required to
12	Q How many warehouse men does she	12	become a warehouse men?
13	supervise?	13	A No.
14	A All of the warehouse men on day shift	14	Q Would your opinion change if I told
15	know that she is one of the supervisors, and they	15	you that Elizabeth Toohig testified that women
16	all to some degree report to her, but specifically	16	were actually disqualified from the position for
17	she has got probably about 12 that report strictly	17	not having warehouse experience?
18	to her.	18	A I would be surprised.
19	Q So she has 12 direct reports?	19	Q Are you aware that there were lawsuits
20	A Yes.	20	against Southern?
21	Q Who are warehouse men?	21	A Am I aware of lawsuits?
22	A Yes.	22	Q Other than this one.
23	Q And when was she hired?	23	A Um, vaguely.
24	A It has to be about seven years ago I	24	Q Do you know what those lawsuits were
25	would guess.	25	about?
	would guess.		aoout.
	Page 78		Page 80
1		1	Page 80 A That, I don't know.
1 2		1 2	_
	Q Okay. Is it true that anyone who		A That, I don't know.
2	Q Okay. Is it true that anyone who B. FINKELSTEIN	2	A That, I don't know. B. FINKELSTEIN
2 3	Q Okay. Is it true that anyone who B. FINKELSTEIN applies for the warehouse position must start	2 3	A That, I don't know. B. FINKELSTEIN Q Do you know if those lawsuits were
2 3 4	Q Okay. Is it true that anyone who B. FINKELSTEIN applies for the warehouse position must start throwing cases at night?	2 3 4	A That, I don't know. B. FINKELSTEIN Q Do you know if those lawsuits were about women not being given the warehouse men
2 3 4 5	Q Okay. Is it true that anyone who B. FINKELSTEIN applies for the warehouse position must start throwing cases at night? A Yes.	2 3 4 5	A That, I don't know. B. FINKELSTEIN Q Do you know if those lawsuits were about women not being given the warehouse men classification?
2 3 4 5 6	Q Okay. Is it true that anyone who B. FINKELSTEIN applies for the warehouse position must start throwing cases at night? A Yes. Q And why is that?	2 3 4 5 6	A That, I don't know. B. FINKELSTEIN Q Do you know if those lawsuits were about women not being given the warehouse men classification? A I do know about that.
2 3 4 5 6 7	Q Okay. Is it true that anyone who B. FINKELSTEIN applies for the warehouse position must start throwing cases at night? A Yes. Q And why is that? A That's a union agreement so any new	2 3 4 5 6 7	A That, I don't know. B. FINKELSTEIN Q Do you know if those lawsuits were about women not being given the warehouse men classification? A I do know about that. Q How do you know about that?
2 3 4 5 6 7 8	Q Okay. Is it true that anyone who B. FINKELSTEIN applies for the warehouse position must start throwing cases at night? A Yes. Q And why is that? A That's a union agreement so any new employees has to come in on the overnight pretty much has to go on a line to throw. Q Is that a union rule?	2 3 4 5 6 7 8	A That, I don't know. B. FINKELSTEIN Q Do you know if those lawsuits were about women not being given the warehouse men classification? A I do know about that. Q How do you know about that? A Um, Ena Scott told me.
2 3 4 5 6 7 8	Q Okay. Is it true that anyone who B. FINKELSTEIN applies for the warehouse position must start throwing cases at night? A Yes. Q And why is that? A That's a union agreement so any new employees has to come in on the overnight pretty much has to go on a line to throw. Q Is that a union rule? A Union rule? When it comes to starting	2 3 4 5 6 7 8	A That, I don't know. B. FINKELSTEIN Q Do you know if those lawsuits were about women not being given the warehouse men classification? A I do know about that. Q How do you know about that? A Um, Ena Scott told me. Q Are any cycle counters allowed to use cherry pickers now? A They always have.
2 3 4 5 6 7 8 9	Q Okay. Is it true that anyone who B. FINKELSTEIN applies for the warehouse position must start throwing cases at night? A Yes. Q And why is that? A That's a union agreement so any new employees has to come in on the overnight pretty much has to go on a line to throw. Q Is that a union rule? A Union rule? When it comes to starting at nights, yes. It is a union rule.	2 3 4 5 6 7 8 9	A That, I don't know. B. FINKELSTEIN Q Do you know if those lawsuits were about women not being given the warehouse men classification? A I do know about that. Q How do you know about that? A Um, Ena Scott told me. Q Are any cycle counters allowed to use cherry pickers now? A They always have. Q So a cycle counter can use a cherry
2 3 4 5 6 7 8 9 10	Q Okay. Is it true that anyone who B. FINKELSTEIN applies for the warehouse position must start throwing cases at night? A Yes. Q And why is that? A That's a union agreement so any new employees has to come in on the overnight pretty much has to go on a line to throw. Q Is that a union rule? A Union rule? When it comes to starting	2 3 4 5 6 7 8 9 10	A That, I don't know. B. FINKELSTEIN Q Do you know if those lawsuits were about women not being given the warehouse men classification? A I do know about that. Q How do you know about that? A Um, Ena Scott told me. Q Are any cycle counters allowed to use cherry pickers now? A They always have.
2 3 4 5 6 7 8 9 10 11	Q Okay. Is it true that anyone who B. FINKELSTEIN applies for the warehouse position must start throwing cases at night? A Yes. Q And why is that? A That's a union agreement so any new employees has to come in on the overnight pretty much has to go on a line to throw. Q Is that a union rule? A Union rule? When it comes to starting at nights, yes. It is a union rule.	2 3 4 5 6 7 8 9 10 11	A That, I don't know. B. FINKELSTEIN Q Do you know if those lawsuits were about women not being given the warehouse men classification? A I do know about that. Q How do you know about that? A Um, Ena Scott told me. Q Are any cycle counters allowed to use cherry pickers now? A They always have. Q So a cycle counter can use a cherry picker today? A Always could, yes.
2 3 4 5 6 7 8 9 10 11 12 13	Q Okay. Is it true that anyone who B. FINKELSTEIN applies for the warehouse position must start throwing cases at night? A Yes. Q And why is that? A That's a union agreement so any new employees has to come in on the overnight pretty much has to go on a line to throw. Q Is that a union rule? A Union rule? When it comes to starting at nights, yes. It is a union rule. Q Do you think a rule like that would dissuade women from applying for the warehouse position?	2 3 4 5 6 7 8 9 10 11 12	A That, I don't know. B. FINKELSTEIN Q Do you know if those lawsuits were about women not being given the warehouse men classification? A I do know about that. Q How do you know about that? A Um, Ena Scott told me. Q Are any cycle counters allowed to use cherry pickers now? A They always have. Q So a cycle counter can use a cherry picker today? A Always could, yes. Q And cycle counters can use hi-los
2 3 4 5 6 7 8 9 10 11 12 13 14	Q Okay. Is it true that anyone who B. FINKELSTEIN applies for the warehouse position must start throwing cases at night? A Yes. Q And why is that? A That's a union agreement so any new employees has to come in on the overnight pretty much has to go on a line to throw. Q Is that a union rule? A Union rule? When it comes to starting at nights, yes. It is a union rule. Q Do you think a rule like that would dissuade women from applying for the warehouse	2 3 4 5 6 7 8 9 10 11 12 13	A That, I don't know. B. FINKELSTEIN Q Do you know if those lawsuits were about women not being given the warehouse men classification? A I do know about that. Q How do you know about that? A Um, Ena Scott told me. Q Are any cycle counters allowed to use cherry pickers now? A They always have. Q So a cycle counter can use a cherry picker today? A Always could, yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q Okay. Is it true that anyone who B. FINKELSTEIN applies for the warehouse position must start throwing cases at night? A Yes. Q And why is that? A That's a union agreement so any new employees has to come in on the overnight pretty much has to go on a line to throw. Q Is that a union rule? A Union rule? When it comes to starting at nights, yes. It is a union rule. Q Do you think a rule like that would dissuade women from applying for the warehouse position? A It might. I am sure it dissuades men as well.	2 3 4 5 6 7 8 9 10 11 12 13 14	A That, I don't know. B. FINKELSTEIN Q Do you know if those lawsuits were about women not being given the warehouse men classification? A I do know about that. Q How do you know about that? A Um, Ena Scott told me. Q Are any cycle counters allowed to use cherry pickers now? A They always have. Q So a cycle counter can use a cherry picker today? A Always could, yes. Q And cycle counters can use hi-los today? A No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q Okay. Is it true that anyone who B. FINKELSTEIN applies for the warehouse position must start throwing cases at night? A Yes. Q And why is that? A That's a union agreement so any new employees has to come in on the overnight pretty much has to go on a line to throw. Q Is that a union rule? A Union rule? When it comes to starting at nights, yes. It is a union rule. Q Do you think a rule like that would dissuade women from applying for the warehouse position? A It might. I am sure it dissuades men as well. Q Do you think it disproportionately	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A That, I don't know. B. FINKELSTEIN Q Do you know if those lawsuits were about women not being given the warehouse men classification? A I do know about that. Q How do you know about that? A Um, Ena Scott told me. Q Are any cycle counters allowed to use cherry pickers now? A They always have. Q So a cycle counter can use a cherry picker today? A Always could, yes. Q And cycle counters can use hi-los today? A No. Q Do cycle counters or inventory control
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q Okay. Is it true that anyone who B. FINKELSTEIN applies for the warehouse position must start throwing cases at night? A Yes. Q And why is that? A That's a union agreement so any new employees has to come in on the overnight pretty much has to go on a line to throw. Q Is that a union rule? A Union rule? When it comes to starting at nights, yes. It is a union rule. Q Do you think a rule like that would dissuade women from applying for the warehouse position? A It might. I am sure it dissuades men as well. Q Do you think it disproportionately dissuades women?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A That, I don't know. B. FINKELSTEIN Q Do you know if those lawsuits were about women not being given the warehouse men classification? A I do know about that. Q How do you know about that? A Um, Ena Scott told me. Q Are any cycle counters allowed to use cherry pickers now? A They always have. Q So a cycle counter can use a cherry picker today? A Always could, yes. Q And cycle counters can use hi-los today? A No. Q Do cycle counters or inventory control clerks wear safety gear?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q Okay. Is it true that anyone who B. FINKELSTEIN applies for the warehouse position must start throwing cases at night? A Yes. Q And why is that? A That's a union agreement so any new employees has to come in on the overnight pretty much has to go on a line to throw. Q Is that a union rule? A Union rule? When it comes to starting at nights, yes. It is a union rule. Q Do you think a rule like that would dissuade women from applying for the warehouse position? A It might. I am sure it dissuades men as well. Q Do you think it disproportionately dissuades women? A I couldn't answer that. It is a tough	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A That, I don't know. B. FINKELSTEIN Q Do you know if those lawsuits were about women not being given the warehouse men classification? A I do know about that. Q How do you know about that? A Um, Ena Scott told me. Q Are any cycle counters allowed to use cherry pickers now? A They always have. Q So a cycle counter can use a cherry picker today? A Always could, yes. Q And cycle counters can use hi-los today? A No. Q Do cycle counters or inventory control clerks wear safety gear? A If they are on a cherry picker, yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q Okay. Is it true that anyone who B. FINKELSTEIN applies for the warehouse position must start throwing cases at night? A Yes. Q And why is that? A That's a union agreement so any new employees has to come in on the overnight pretty much has to go on a line to throw. Q Is that a union rule? A Union rule? When it comes to starting at nights, yes. It is a union rule. Q Do you think a rule like that would dissuade women from applying for the warehouse position? A It might. I am sure it dissuades men as well. Q Do you think it disproportionately dissuades women? A I couldn't answer that. It is a tough shift no matter what your gender is.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A That, I don't know. B. FINKELSTEIN Q Do you know if those lawsuits were about women not being given the warehouse men classification? A I do know about that. Q How do you know about that? A Um, Ena Scott told me. Q Are any cycle counters allowed to use cherry pickers now? A They always have. Q So a cycle counter can use a cherry picker today? A Always could, yes. Q And cycle counters can use hi-los today? A No. Q Do cycle counters or inventory control clerks wear safety gear?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q Okay. Is it true that anyone who B. FINKELSTEIN applies for the warehouse position must start throwing cases at night? A Yes. Q And why is that? A That's a union agreement so any new employees has to come in on the overnight pretty much has to go on a line to throw. Q Is that a union rule? A Union rule? When it comes to starting at nights, yes. It is a union rule. Q Do you think a rule like that would dissuade women from applying for the warehouse position? A It might. I am sure it dissuades men as well. Q Do you think it disproportionately dissuades women? A I couldn't answer that. It is a tough	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A That, I don't know. B. FINKELSTEIN Q Do you know if those lawsuits were about women not being given the warehouse men classification? A I do know about that. Q How do you know about that? A Um, Ena Scott told me. Q Are any cycle counters allowed to use cherry pickers now? A They always have. Q So a cycle counter can use a cherry picker today? A Always could, yes. Q And cycle counters can use hi-los today? A No. Q Do cycle counters or inventory control clerks wear safety gear? A If they are on a cherry picker, yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q Okay. Is it true that anyone who B. FINKELSTEIN applies for the warehouse position must start throwing cases at night? A Yes. Q And why is that? A That's a union agreement so any new employees has to come in on the overnight pretty much has to go on a line to throw. Q Is that a union rule? A Union rule? When it comes to starting at nights, yes. It is a union rule. Q Do you think a rule like that would dissuade women from applying for the warehouse position? A It might. I am sure it dissuades men as well. Q Do you think it disproportionately dissuades women? A I couldn't answer that. It is a tough shift no matter what your gender is. Q So you think that it would affect men and women equally, throwing cases at night?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A That, I don't know. B. FINKELSTEIN Q Do you know if those lawsuits were about women not being given the warehouse men classification? A I do know about that. Q How do you know about that? A Um, Ena Scott told me. Q Are any cycle counters allowed to use cherry pickers now? A They always have. Q So a cycle counter can use a cherry picker today? A Always could, yes. Q And cycle counters can use hi-los today? A No. Q Do cycle counters or inventory control clerks wear safety gear? A If they are on a cherry picker, yes. Q Do they work on nights in the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q Okay. Is it true that anyone who B. FINKELSTEIN applies for the warehouse position must start throwing cases at night? A Yes. Q And why is that? A That's a union agreement so any new employees has to come in on the overnight pretty much has to go on a line to throw. Q Is that a union rule? A Union rule? When it comes to starting at nights, yes. It is a union rule. Q Do you think a rule like that would dissuade women from applying for the warehouse position? A It might. I am sure it dissuades men as well. Q Do you think it disproportionately dissuades women? A I couldn't answer that. It is a tough shift no matter what your gender is. Q So you think that it would affect men	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A That, I don't know. B. FINKELSTEIN Q Do you know if those lawsuits were about women not being given the warehouse men classification? A I do know about that. Q How do you know about that? A Um, Ena Scott told me. Q Are any cycle counters allowed to use cherry pickers now? A They always have. Q So a cycle counter can use a cherry picker today? A Always could, yes. Q And cycle counters can use hi-los today? A No. Q Do cycle counters or inventory control clerks wear safety gear? A If they are on a cherry picker, yes. Q Do they work on nights in the warehouse?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q Okay. Is it true that anyone who B. FINKELSTEIN applies for the warehouse position must start throwing cases at night? A Yes. Q And why is that? A That's a union agreement so any new employees has to come in on the overnight pretty much has to go on a line to throw. Q Is that a union rule? A Union rule? When it comes to starting at nights, yes. It is a union rule. Q Do you think a rule like that would dissuade women from applying for the warehouse position? A It might. I am sure it dissuades men as well. Q Do you think it disproportionately dissuades women? A I couldn't answer that. It is a tough shift no matter what your gender is. Q So you think that it would affect men and women equally, throwing cases at night?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A That, I don't know. B. FINKELSTEIN Q Do you know if those lawsuits were about women not being given the warehouse men classification? A I do know about that. Q How do you know about that? A Um, Ena Scott told me. Q Are any cycle counters allowed to use cherry pickers now? A They always have. Q So a cycle counter can use a cherry picker today? A Always could, yes. Q And cycle counters can use hi-los today? A No. Q Do cycle counters or inventory control clerks wear safety gear? A If they are on a cherry picker, yes. Q Do they work on nights in the warehouse? A Sure.

	Page 81		Page 83
1	A They are not supposed to, no.	1	operations side?
2	B. FINKELSTEIN	2	B. FINKELSTEIN
3	Q Have they ever been expected to move	3	A I believe it was Larry Laspinoza, and
4	cases?	4	there was someone else. I'm sorry. No. It may
5	A No.	5	have been Larry. There was Larry Callahan was
6	Q Have they ever been permitted to use	6	definitely one. He was a manager. If I remember
7	cases in order to count product?	7	correctly maybe Larry Laspinoza was part of that
8	A No.	8	five people. I don't really recall.
9	Q What is the basis for your knowledge?	9	Q Can you tell me everything that you
10	A It's a union rule that only warehouse	10	remember about your conversation with Ena Scott
11	men can touch and move cases unless it is to	11	about the lawsuit?
12	prevent breakage. That's the only caveat.	12	A Well, its been its been years of
13	Q So if there was a rule that permitted	13	her venting to me, and I think a lot of people.
14	inventory control clerks to move up to five cases	14	And that she should be getting warehouse pay. I
15	per location, have you ever heard of a rule like	15	believe that's the gist of her comments.
16	that?	16	Q Do you recall anything else?
17	A No.	17	A The only other thing is that she said
18	Q A rule like that ever in existence?	18	I think she wanted to get an increase in salary
19	A Not to the best of my knowledge, no.	19	because she was doing like the lead work. I
20	That doesn't mean there isn't one, but I'm not	20	forget the term she used like foreman work, doing
21	aware of it.	21	foreman work.
22	Q Do you remember any specific	22	Q A checker?
23	conversations that you had with Maria Suarez other	23	A No. She didn't say anything about a
24	than the two to three conversations that you	24	checker that I recall.
25	mentioned already?	25	Q Okay. And how was Ena doing foreman
	Page 82		Page 84
1	_	1	Page 84 work?
1 2	A Conversations with her?	1 2	
	_		work?
2	A Conversations with her? B. FINKELSTEIN Q Yes.	2	work? B. FINKELSTEIN A I have no idea.
2 3	 A Conversations with her? B. FINKELSTEIN Q Yes. A Basically hi, how are you? Good 	2 3	work? B. FINKELSTEIN A I have no idea. Q During the time period that Maria
2 3 4	A Conversations with her? B. FINKELSTEIN Q Yes. A Basically hi, how are you? Good morning. Good night.	2 3 4	work? B. FINKELSTEIN A I have no idea.
2 3 4 5	A Conversations with her? B. FINKELSTEIN Q Yes. A Basically hi, how are you? Good morning. Good night.	2 3 4 5	work? B. FINKELSTEIN A I have no idea. Q During the time period that Maria Suarez worked at Southern did you ever supervise
2 3 4 5 6	A Conversations with her? B. FINKELSTEIN Q Yes. A Basically hi, how are you? Good morning. Good night. Q Okay. How would you describe Maria's	2 3 4 5 6	work? B. FINKELSTEIN A I have no idea. Q During the time period that Maria Suarez worked at Southern did you ever supervise any inventory control clerks?
2 3 4 5 6 7	A Conversations with her? B. FINKELSTEIN Q Yes. A Basically hi, how are you? Good morning. Good night. Q Okay. How would you describe Maria's personality?	2 3 4 5 6 7	work? B. FINKELSTEIN A I have no idea. Q During the time period that Maria Suarez worked at Southern did you ever supervise any inventory control clerks? A No.
2 3 4 5 6 7 8	A Conversations with her? B. FINKELSTEIN Q Yes. A Basically hi, how are you? Good morning. Good night. Q Okay. How would you describe Maria's personality? A Difficult.	2 3 4 5 6 7 8	work? B. FINKELSTEIN A I have no idea. Q During the time period that Maria Suarez worked at Southern did you ever supervise any inventory control clerks? A No. Q During the time period that Maria
2 3 4 5 6 7 8	A Conversations with her? B. FINKELSTEIN Q Yes. A Basically hi, how are you? Good morning. Good night. Q Okay. How would you describe Maria's personality? A Difficult. Q Are you aware that there had been	2 3 4 5 6 7 8	work? B. FINKELSTEIN A I have no idea. Q During the time period that Maria Suarez worked at Southern did you ever supervise any inventory control clerks? A No. Q During the time period that Maria Suarez was at Southern did you ever have any
2 3 4 5 6 7 8 9	A Conversations with her? B. FINKELSTEIN Q Yes. A Basically hi, how are you? Good morning. Good night. Q Okay. How would you describe Maria's personality? A Difficult. Q Are you aware that there had been layoffs in April of 2018?	2 3 4 5 6 7 8 9	work? B. FINKELSTEIN A I have no idea. Q During the time period that Maria Suarez worked at Southern did you ever supervise any inventory control clerks? A No. Q During the time period that Maria Suarez was at Southern did you ever have any disciplinary authority over inventory control
2 3 4 5 6 7 8 9 10	A Conversations with her? B. FINKELSTEIN Q Yes. A Basically hi, how are you? Good morning. Good night. Q Okay. How would you describe Maria's personality? A Difficult. Q Are you aware that there had been layoffs in April of 2018? A Yes.	2 3 4 5 6 7 8 9 10	work? B. FINKELSTEIN A I have no idea. Q During the time period that Maria Suarez worked at Southern did you ever supervise any inventory control clerks? A No. Q During the time period that Maria Suarez was at Southern did you ever have any disciplinary authority over inventory control clerks? A No. Q Do you know the reasons why Tonisha
2 3 4 5 6 7 8 9 10 11	A Conversations with her? B. FINKELSTEIN Q Yes. A Basically hi, how are you? Good morning. Good night. Q Okay. How would you describe Maria's personality? A Difficult. Q Are you aware that there had been layoffs in April of 2018? A Yes. Q Do you know what those layoffs were part of? A I think it was I wasn't involved in	2 3 4 5 6 7 8 9 10 11 12 13	work? B. FINKELSTEIN A I have no idea. Q During the time period that Maria Suarez worked at Southern did you ever supervise any inventory control clerks? A No. Q During the time period that Maria Suarez was at Southern did you ever have any disciplinary authority over inventory control clerks? A No. Q Do you know the reasons why Tonisha Durant is inventory control manager today?
2 3 4 5 6 7 8 9 10 11 12 13	A Conversations with her? B. FINKELSTEIN Q Yes. A Basically hi, how are you? Good morning. Good night. Q Okay. How would you describe Maria's personality? A Difficult. Q Are you aware that there had been layoffs in April of 2018? A Yes. Q Do you know what those layoffs were part of? A I think it was I wasn't involved in any of that, but I think it was a reduction of the	2 3 4 5 6 7 8 9 10 11 12 13	work? B. FINKELSTEIN A I have no idea. Q During the time period that Maria Suarez worked at Southern did you ever supervise any inventory control clerks? A No. Q During the time period that Maria Suarez was at Southern did you ever have any disciplinary authority over inventory control clerks? A No. Q Do you know the reasons why Tonisha Durant is inventory control manager today? A Other than being very good at it, no.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A Conversations with her? B. FINKELSTEIN Q Yes. A Basically hi, how are you? Good morning. Good night. Q Okay. How would you describe Maria's personality? A Difficult. Q Are you aware that there had been layoffs in April of 2018? A Yes. Q Do you know what those layoffs were part of? A I think it was I wasn't involved in any of that, but I think it was a reduction of the forms. I know a lot of people were getting	2 3 4 5 6 7 8 9 10 11 12 13 14 15	work? B. FINKELSTEIN A I have no idea. Q During the time period that Maria Suarez worked at Southern did you ever supervise any inventory control clerks? A No. Q During the time period that Maria Suarez was at Southern did you ever have any disciplinary authority over inventory control clerks? A No. Q Do you know the reasons why Tonisha Durant is inventory control manager today? A Other than being very good at it, no. Q Do you have any knowledge of the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A Conversations with her? B. FINKELSTEIN Q Yes. A Basically hi, how are you? Good morning. Good night. Q Okay. How would you describe Maria's personality? A Difficult. Q Are you aware that there had been layoffs in April of 2018? A Yes. Q Do you know what those layoffs were part of? A I think it was I wasn't involved in any of that, but I think it was a reduction of the forms. I know a lot of people were getting nervous, and I know a few people that were laid	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	work? B. FINKELSTEIN A I have no idea. Q During the time period that Maria Suarez worked at Southern did you ever supervise any inventory control clerks? A No. Q During the time period that Maria Suarez was at Southern did you ever have any disciplinary authority over inventory control clerks? A No. Q Do you know the reasons why Tonisha Durant is inventory control manager today? A Other than being very good at it, no. Q Do you have any knowledge of the reasons why Maria Suarez no longer works for
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Conversations with her? B. FINKELSTEIN Q Yes. A Basically hi, how are you? Good morning. Good night. Q Okay. How would you describe Maria's personality? A Difficult. Q Are you aware that there had been layoffs in April of 2018? A Yes. Q Do you know what those layoffs were part of? A I think it was I wasn't involved in any of that, but I think it was a reduction of the forms. I know a lot of people were getting nervous, and I know a few people that were laid off at that time.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	work? B. FINKELSTEIN A I have no idea. Q During the time period that Maria Suarez worked at Southern did you ever supervise any inventory control clerks? A No. Q During the time period that Maria Suarez was at Southern did you ever have any disciplinary authority over inventory control clerks? A No. Q Do you know the reasons why Tonisha Durant is inventory control manager today? A Other than being very good at it, no. Q Do you have any knowledge of the reasons why Maria Suarez no longer works for Southern?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Conversations with her? B. FINKELSTEIN Q Yes. A Basically hi, how are you? Good morning. Good night. Q Okay. How would you describe Maria's personality? A Difficult. Q Are you aware that there had been layoffs in April of 2018? A Yes. Q Do you know what those layoffs were part of? A I think it was I wasn't involved in any of that, but I think it was a reduction of the forms. I know a lot of people were getting nervous, and I know a few people that were laid off at that time. Q Were there a total of five people let	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	work? B. FINKELSTEIN A I have no idea. Q During the time period that Maria Suarez worked at Southern did you ever supervise any inventory control clerks? A No. Q During the time period that Maria Suarez was at Southern did you ever have any disciplinary authority over inventory control clerks? A No. Q Do you know the reasons why Tonisha Durant is inventory control manager today? A Other than being very good at it, no. Q Do you have any knowledge of the reasons why Maria Suarez no longer works for Southern? A I don't.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A Conversations with her? B. FINKELSTEIN Q Yes. A Basically hi, how are you? Good morning. Good night. Q Okay. How would you describe Maria's personality? A Difficult. Q Are you aware that there had been layoffs in April of 2018? A Yes. Q Do you know what those layoffs were part of? A I think it was I wasn't involved in any of that, but I think it was a reduction of the forms. I know a lot of people were getting nervous, and I know a few people that were laid off at that time. Q Were there a total of five people let go as a result of that reduction in the force?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	work? B. FINKELSTEIN A I have no idea. Q During the time period that Maria Suarez worked at Southern did you ever supervise any inventory control clerks? A No. Q During the time period that Maria Suarez was at Southern did you ever have any disciplinary authority over inventory control clerks? A No. Q Do you know the reasons why Tonisha Durant is inventory control manager today? A Other than being very good at it, no. Q Do you have any knowledge of the reasons why Maria Suarez no longer works for Southern? A I don't. Q Have you ever had a conversation with
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Conversations with her? B. FINKELSTEIN Q Yes. A Basically hi, how are you? Good morning. Good night. Q Okay. How would you describe Maria's personality? A Difficult. Q Are you aware that there had been layoffs in April of 2018? A Yes. Q Do you know what those layoffs were part of? A I think it was I wasn't involved in any of that, but I think it was a reduction of the forms. I know a lot of people were getting nervous, and I know a few people that were laid off at that time. Q Were there a total of five people let go as a result of that reduction in the force? A I don't know if I I know one other	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	work? B. FINKELSTEIN A I have no idea. Q During the time period that Maria Suarez worked at Southern did you ever supervise any inventory control clerks? A No. Q During the time period that Maria Suarez was at Southern did you ever have any disciplinary authority over inventory control clerks? A No. Q Do you know the reasons why Tonisha Durant is inventory control manager today? A Other than being very good at it, no. Q Do you have any knowledge of the reasons why Maria Suarez no longer works for Southern? A I don't. Q Have you ever had a conversation with Tonisha Durant about Maria Suarez?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Conversations with her? B. FINKELSTEIN Q Yes. A Basically hi, how are you? Good morning. Good night. Q Okay. How would you describe Maria's personality? A Difficult. Q Are you aware that there had been layoffs in April of 2018? A Yes. Q Do you know what those layoffs were part of? A I think it was I wasn't involved in any of that, but I think it was a reduction of the forms. I know a lot of people were getting nervous, and I know a few people that were laid off at that time. Q Were there a total of five people let go as a result of that reduction in the force? A I don't know if I I know one other one for sure. Maybe two other ones in the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	work? B. FINKELSTEIN A I have no idea. Q During the time period that Maria Suarez worked at Southern did you ever supervise any inventory control clerks? A No. Q During the time period that Maria Suarez was at Southern did you ever have any disciplinary authority over inventory control clerks? A No. Q Do you know the reasons why Tonisha Durant is inventory control manager today? A Other than being very good at it, no. Q Do you have any knowledge of the reasons why Maria Suarez no longer works for Southern? A I don't. Q Have you ever had a conversation with Tonisha Durant about Maria Suarez? A No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Conversations with her? B. FINKELSTEIN Q Yes. A Basically hi, how are you? Good morning. Good night. Q Okay. How would you describe Maria's personality? A Difficult. Q Are you aware that there had been layoffs in April of 2018? A Yes. Q Do you know what those layoffs were part of? A I think it was I wasn't involved in any of that, but I think it was a reduction of the forms. I know a lot of people were getting nervous, and I know a few people that were laid off at that time. Q Were there a total of five people let go as a result of that reduction in the force? A I don't know if I I know one other one for sure. Maybe two other ones in the operations side, but I don't know other than	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	work? B. FINKELSTEIN A I have no idea. Q During the time period that Maria Suarez worked at Southern did you ever supervise any inventory control clerks? A No. Q During the time period that Maria Suarez was at Southern did you ever have any disciplinary authority over inventory control clerks? A No. Q Do you know the reasons why Tonisha Durant is inventory control manager today? A Other than being very good at it, no. Q Do you have any knowledge of the reasons why Maria Suarez no longer works for Southern? A I don't. Q Have you ever had a conversation with Tonisha Durant about Maria Suarez? A No. Q Have you ever had a conversation with
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Conversations with her? B. FINKELSTEIN Q Yes. A Basically hi, how are you? Good morning. Good night. Q Okay. How would you describe Maria's personality? A Difficult. Q Are you aware that there had been layoffs in April of 2018? A Yes. Q Do you know what those layoffs were part of? A I think it was I wasn't involved in any of that, but I think it was a reduction of the forms. I know a lot of people were getting nervous, and I know a few people that were laid off at that time. Q Were there a total of five people let go as a result of that reduction in the force? A I don't know if I I know one other one for sure. Maybe two other ones in the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	work? B. FINKELSTEIN A I have no idea. Q During the time period that Maria Suarez worked at Southern did you ever supervise any inventory control clerks? A No. Q During the time period that Maria Suarez was at Southern did you ever have any disciplinary authority over inventory control clerks? A No. Q Do you know the reasons why Tonisha Durant is inventory control manager today? A Other than being very good at it, no. Q Do you have any knowledge of the reasons why Maria Suarez no longer works for Southern? A I don't. Q Have you ever had a conversation with Tonisha Durant about Maria Suarez? A No.

	Page 85		Page 87
1	Q Have you ever had a conversation with	1	Q How did you learn that you were
2	B. FINKELSTEIN	2	B. FINKELSTEIN
3	any of your other coworkers at Southern about	3	working without a classification?
4	Maria Suarez?	4	A When I was called into Kevin Randall's
5	A No.	5	office and told that my replacement was starting
6	Q Have you ever had a conversation with	6	an hour later, and I asked him if I was being
7	Tonisha Durant about this case?	7	terminated, and he said no, and I said okay, so
8	A No.	8	what is my position? And he said I don't know,
9	Q Have you had a conversation with Kevin	9	figure it out. You can't make that stuff up.
10	Randall about this case?	10	I love him now by the way but not so much then.
11	A Outside of me saying that I have to be	11	Q Who was your replacement?
12	here today? No.	12	A Peter Lazar.
13	Q So he told you that you would have to	13	Q Is Peter Lazar still working for
14	be here today?	14	Southern?
15	MS. CABRERA: Objection. That's not	15	A Yes.
16	what he said.	16	Q Do you know when he was hired?
17	A I told him I have to be here today.	17	A I don't know. It was like sometime
18	Q Okay. When did you tell him that?	18	in 2019. I guess something like that. I am not
19	A Last week.	19	sure.
20	Q So you told him that you would have to	20	Q You mentioned earlier that you were
21	be here for a deposition today, so you wouldn't be	21	without a classification beginning in the middle
22	at work?	22	of 2018?
23	A Right.	23	A Then that's when it was. The dates
24	Q What did he say to you?	24	are very vague to me. I am 68.
25	A "Are you coming in before the	25	Q But you are in great health.
	., g		
	D 0.6		
	Page 86		Page 88
1	_	1	_
1 2	deposition?" B. FINKELSTEIN	1 2	
	deposition?" B. FINKELSTEIN	l .	A Thank you.
2	deposition?"	2	A Thank you. B. FINKELSTEIN
2 3	deposition?" B. FINKELSTEIN Q What did you report? A Of course. So I was at work before I	2 3	A Thank you. B. FINKELSTEIN Q So to the best of your recollection it
2 3 4	deposition?" B. FINKELSTEIN Q What did you report? A Of course. So I was at work before I came here. Welcome to the liquor business.	2 3 4	A Thank you. B. FINKELSTEIN Q So to the best of your recollection it was the middle of 2018 when Kevin Randall had a conversation with you?
2 3 4 5	deposition?" B. FINKELSTEIN Q What did you report? A Of course. So I was at work before I came here. Welcome to the liquor business. Q Other than that conversation did you	2 3 4 5	A Thank you. B. FINKELSTEIN Q So to the best of your recollection it was the middle of 2018 when Kevin Randall had a conversation with you?
2 3 4 5 6	deposition?" B. FINKELSTEIN Q What did you report? A Of course. So I was at work before I came here. Welcome to the liquor business.	2 3 4 5 6	A Thank you. B. FINKELSTEIN Q So to the best of your recollection it was the middle of 2018 when Kevin Randall had a conversation with you? A Yes. I guess that it was because it was about a year where I was doing the inventory
2 3 4 5 6 7	deposition?" B. FINKELSTEIN Q What did you report? A Of course. So I was at work before I came here. Welcome to the liquor business. Q Other than that conversation did you ever speak with Kevin Randall about this case?	2 3 4 5 6 7	A Thank you. B. FINKELSTEIN Q So to the best of your recollection it was the middle of 2018 when Kevin Randall had a conversation with you? A Yes. I guess that it was because it
2 3 4 5 6 7 8	deposition?" B. FINKELSTEIN Q What did you report? A Of course. So I was at work before I came here. Welcome to the liquor business. Q Other than that conversation did you ever speak with Kevin Randall about this case? A No, sir.	2 3 4 5 6 7 8	A Thank you. B. FINKELSTEIN Q So to the best of your recollection it was the middle of 2018 when Kevin Randall had a conversation with you? A Yes. I guess that it was because it was about a year where I was doing the inventory stuff before I got so that would make sense. Q So after a year of getting involved in
2 3 4 5 6 7 8	deposition?" B. FINKELSTEIN Q What did you report? A Of course. So I was at work before I came here. Welcome to the liquor business. Q Other than that conversation did you ever speak with Kevin Randall about this case? A No, sir. Q Have you ever had any conversation	2 3 4 5 6 7 8	A Thank you. B. FINKELSTEIN Q So to the best of your recollection it was the middle of 2018 when Kevin Randall had a conversation with you? A Yes. I guess that it was because it was about a year where I was doing the inventory stuff before I got so that would make sense.
2 3 4 5 6 7 8 9	deposition?" B. FINKELSTEIN Q. What did you report? A. Of course. So I was at work before I came here. Welcome to the liquor business. Q. Other than that conversation did you ever speak with Kevin Randall about this case? A. No, sir. Q. Have you ever had any conversation with any coworkers about this case?	2 3 4 5 6 7 8 9	A Thank you. B. FINKELSTEIN Q So to the best of your recollection it was the middle of 2018 when Kevin Randall had a conversation with you? A Yes. I guess that it was because it was about a year where I was doing the inventory stuff before I got so that would make sense. Q So after a year of getting involved in the inventory is when you had another change in
2 3 4 5 6 7 8 9 10	deposition?" B. FINKELSTEIN Q What did you report? A Of course. So I was at work before I came here. Welcome to the liquor business. Q Other than that conversation did you ever speak with Kevin Randall about this case? A No, sir. Q Have you ever had any conversation with any coworkers about this case? A No.	2 3 4 5 6 7 8 9 10	A Thank you. B. FINKELSTEIN Q So to the best of your recollection it was the middle of 2018 when Kevin Randall had a conversation with you? A Yes. I guess that it was because it was about a year where I was doing the inventory stuff before I got so that would make sense. Q So after a year of getting involved in the inventory is when you had another change in your employment?
2 3 4 5 6 7 8 9 10 11	deposition?" B. FINKELSTEIN Q What did you report? A Of course. So I was at work before I came here. Welcome to the liquor business. Q Other than that conversation did you ever speak with Kevin Randall about this case? A No, sir. Q Have you ever had any conversation with any coworkers about this case? A No. Q Are you under the influence of any	2 3 4 5 6 7 8 9 10 11	A Thank you. B. FINKELSTEIN Q So to the best of your recollection it was the middle of 2018 when Kevin Randall had a conversation with you? A Yes. I guess that it was because it was about a year where I was doing the inventory stuff before I got so that would make sense. Q So after a year of getting involved in the inventory is when you had another change in your employment? A Right.
2 3 4 5 6 7 8 9 10 11 12	deposition?" B. FINKELSTEIN Q What did you report? A Of course. So I was at work before I came here. Welcome to the liquor business. Q Other than that conversation did you ever speak with Kevin Randall about this case? A No, sir. Q Have you ever had any conversation with any coworkers about this case? A No. Q Are you under the influence of any medications, narcotics?	2 3 4 5 6 7 8 9 10 11 12 13	A Thank you. B. FINKELSTEIN Q So to the best of your recollection it was the middle of 2018 when Kevin Randall had a conversation with you? A Yes. I guess that it was because it was about a year where I was doing the inventory stuff before I got so that would make sense. Q So after a year of getting involved in the inventory is when you had another change in your employment? A Right. Q And that change of your employment
2 3 4 5 6 7 8 9 10 11 12 13	deposition?" B. FINKELSTEIN Q What did you report? A Of course. So I was at work before I came here. Welcome to the liquor business. Q Other than that conversation did you ever speak with Kevin Randall about this case? A No, sir. Q Have you ever had any conversation with any coworkers about this case? A No. Q Are you under the influence of any medications, narcotics? A No.	2 3 4 5 6 7 8 9 10 11 12 13	A Thank you. B. FINKELSTEIN Q So to the best of your recollection it was the middle of 2018 when Kevin Randall had a conversation with you? A Yes. I guess that it was because it was about a year where I was doing the inventory stuff before I got so that would make sense. Q So after a year of getting involved in the inventory is when you had another change in your employment? A Right. Q And that change of your employment happened in what year?
2 3 4 5 6 7 8 9 10 11 12 13 14	deposition?" B. FINKELSTEIN Q What did you report? A Of course. So I was at work before I came here. Welcome to the liquor business. Q Other than that conversation did you ever speak with Kevin Randall about this case? A No, sir. Q Have you ever had any conversation with any coworkers about this case? A No. Q Are you under the influence of any medications, narcotics? A No. Q Are you under the influence of alcohol	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A Thank you. B. FINKELSTEIN Q So to the best of your recollection it was the middle of 2018 when Kevin Randall had a conversation with you? A Yes. I guess that it was because it was about a year where I was doing the inventory stuff before I got so that would make sense. Q So after a year of getting involved in the inventory is when you had another change in your employment? A Right. Q And that change of your employment happened in what year? A That was in like December of January
2 3 4 5 6 7 8 9 10 11 12 13 14 15	deposition?" B. FINKELSTEIN Q What did you report? A Of course. So I was at work before I came here. Welcome to the liquor business. Q Other than that conversation did you ever speak with Kevin Randall about this case? A No, sir. Q Have you ever had any conversation with any coworkers about this case? A No. Q Are you under the influence of any medications, narcotics? A No. Q Are you under the influence of alcohol today?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A Thank you. B. FINKELSTEIN Q So to the best of your recollection it was the middle of 2018 when Kevin Randall had a conversation with you? A Yes. I guess that it was because it was about a year where I was doing the inventory stuff before I got so that would make sense. Q So after a year of getting involved in the inventory is when you had another change in your employment? A Right. Q And that change of your employment happened in what year? A That was in like December of January of 2020.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	deposition?" B. FINKELSTEIN Q. What did you report? A. Of course. So I was at work before I came here. Welcome to the liquor business. Q. Other than that conversation did you ever speak with Kevin Randall about this case? A. No, sir. Q. Have you ever had any conversation with any coworkers about this case? A. No. Q. Are you under the influence of any medications, narcotics? A. No. Q. Are you under the influence of alcohol today? A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A Thank you. B. FINKELSTEIN Q So to the best of your recollection it was the middle of 2018 when Kevin Randall had a conversation with you? A Yes. I guess that it was because it was about a year where I was doing the inventory stuff before I got so that would make sense. Q So after a year of getting involved in the inventory is when you had another change in your employment? A Right. Q And that change of your employment happened in what year? A That was in like December of January of 2020. Q And did you have any warning that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	deposition?" B. FINKELSTEIN Q. What did you report? A. Of course. So I was at work before I came here. Welcome to the liquor business. Q. Other than that conversation did you ever speak with Kevin Randall about this case? A. No, sir. Q. Have you ever had any conversation with any coworkers about this case? A. No. Q. Are you under the influence of any medications, narcotics? A. No. Q. Are you under the influence of alcohol today? A. No. Q. Can you think of any reason why you wouldn't be unable to testify truthfully and accurately?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Thank you. B. FINKELSTEIN Q So to the best of your recollection it was the middle of 2018 when Kevin Randall had a conversation with you? A Yes. I guess that it was because it was about a year where I was doing the inventory stuff before I got so that would make sense. Q So after a year of getting involved in the inventory is when you had another change in your employment? A Right. Q And that change of your employment happened in what year? A That was in like December of January of 2020. Q And did you have any warning that Peter Lazar was going to take your place?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	deposition?" B. FINKELSTEIN Q. What did you report? A. Of course. So I was at work before I came here. Welcome to the liquor business. Q. Other than that conversation did you ever speak with Kevin Randall about this case? A. No, sir. Q. Have you ever had any conversation with any coworkers about this case? A. No. Q. Are you under the influence of any medications, narcotics? A. No. Q. Are you under the influence of alcohol today? A. No. Q. Can you think of any reason why you wouldn't be unable to testify truthfully and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Thank you. B. FINKELSTEIN Q So to the best of your recollection it was the middle of 2018 when Kevin Randall had a conversation with you? A Yes. I guess that it was because it was about a year where I was doing the inventory stuff before I got so that would make sense. Q So after a year of getting involved in the inventory is when you had another change in your employment? A Right. Q And that change of your employment happened in what year? A That was in like December of January of 2020. Q And did you have any warning that Peter Lazar was going to take your place? A No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	deposition?" B. FINKELSTEIN Q. What did you report? A. Of course. So I was at work before I came here. Welcome to the liquor business. Q. Other than that conversation did you ever speak with Kevin Randall about this case? A. No, sir. Q. Have you ever had any conversation with any coworkers about this case? A. No. Q. Are you under the influence of any medications, narcotics? A. No. Q. Are you under the influence of alcohol today? A. No. Q. Can you think of any reason why you wouldn't be unable to testify truthfully and accurately?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A Thank you. B. FINKELSTEIN Q So to the best of your recollection it was the middle of 2018 when Kevin Randall had a conversation with you? A Yes. I guess that it was because it was about a year where I was doing the inventory stuff before I got so that would make sense. Q So after a year of getting involved in the inventory is when you had another change in your employment? A Right. Q And that change of your employment happened in what year? A That was in like December of January of 2020. Q And did you have any warning that Peter Lazar was going to take your place? A No. Q Had he worked for Southern before or
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	deposition?" B. FINKELSTEIN Q What did you report? A Of course. So I was at work before I came here. Welcome to the liquor business. Q Other than that conversation did you ever speak with Kevin Randall about this case? A No, sir. Q Have you ever had any conversation with any coworkers about this case? A No. Q Are you under the influence of any medications, narcotics? A No. Q Are you under the influence of alcohol today? A No. Q Can you think of any reason why you wouldn't be unable to testify truthfully and accurately? A No. Q Are there any documents which would show the time period that you worked without a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Thank you. B. FINKELSTEIN Q So to the best of your recollection it was the middle of 2018 when Kevin Randall had a conversation with you? A Yes. I guess that it was because it was about a year where I was doing the inventory stuff before I got so that would make sense. Q So after a year of getting involved in the inventory is when you had another change in your employment? A Right. Q And that change of your employment happened in what year? A That was in like December of January of 2020. Q And did you have any warning that Peter Lazar was going to take your place? A No. Q Had he worked for Southern before or was he a new hire?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	deposition?" B. FINKELSTEIN Q What did you report? A Of course. So I was at work before I came here. Welcome to the liquor business. Q Other than that conversation did you ever speak with Kevin Randall about this case? A No, sir. Q Have you ever had any conversation with any coworkers about this case? A No. Q Are you under the influence of any medications, narcotics? A No. Q Are you under the influence of alcohol today? A No. Q Can you think of any reason why you wouldn't be unable to testify truthfully and accurately? A No. Q Are there any documents which would	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Thank you. B. FINKELSTEIN Q So to the best of your recollection it was the middle of 2018 when Kevin Randall had a conversation with you? A Yes. I guess that it was because it was about a year where I was doing the inventory stuff before I got so that would make sense. Q So after a year of getting involved in the inventory is when you had another change in your employment? A Right. Q And that change of your employment happened in what year? A That was in like December of January of 2020. Q And did you have any warning that Peter Lazar was going to take your place? A No. Q Had he worked for Southern before or was he a new hire? A New hire.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	deposition?" B. FINKELSTEIN Q What did you report? A Of course. So I was at work before I came here. Welcome to the liquor business. Q Other than that conversation did you ever speak with Kevin Randall about this case? A No, sir. Q Have you ever had any conversation with any coworkers about this case? A No. Q Are you under the influence of any medications, narcotics? A No. Q Are you under the influence of alcohol today? A No. Q Can you think of any reason why you wouldn't be unable to testify truthfully and accurately? A No. Q Are there any documents which would show the time period that you worked without a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Thank you. B. FINKELSTEIN Q So to the best of your recollection it was the middle of 2018 when Kevin Randall had a conversation with you? A Yes. I guess that it was because it was about a year where I was doing the inventory stuff before I got so that would make sense. Q So after a year of getting involved in the inventory is when you had another change in your employment? A Right. Q And that change of your employment happened in what year? A That was in like December of January of 2020. Q And did you have any warning that Peter Lazar was going to take your place? A No. Q Had he worked for Southern before or was he a new hire? A A new hire. Q Did Kevin Randall give you any reason

	Do co 00		Daga 01
7	Page 89		Page 91
1	Q Other than telling you to figure out	1	Southern?
2	B. FINKELSTEIN	2	B. FINKELSTEIN
3 4	what to do did he give you any further	3	A No.
	instructions?	4	Q We talked earlier about a lawsuit that
5	A No.	5	was filed by Ena Scott, correct?
6	Q During the time period that you were	6	A Right.
7	working without classification did you have a	7	Q And was there another lawsuit filed by
8	manager?	8	another inventory control clerk?
9	A If I don't know if John was still	9	A I remember hearing something many
10	alive at that point. I really don't recall. I	10	years ago, but I know nothing about it.
11	don't recall if John Wilkinson was still alive. I	11	Q Do you know whether Josienne Sajous
12	think he was, so I think he was still my manager.	12	filed a lawsuit?
13	Q Did you have any conversations with	13	A Yes. That's who it is.
14	John Wilkinson about what you were supposed to do	14	Q Did Tatiana Herdocia also file a
15	when you were	15	lawsuit against Southern?
16	A Yes.	16	A I have no idea.
17	Q not classified?	17	Q Do you think it was strange two women
18	A Yes.	18	who have reported to Maria Suarez had filed
19	Q What did John say?	19	lawsuits against Southern?
20	A I don't know. It was classic.	20	MS. CABRERA: Objection. Off the
21	Q Was anyone tracking your attendance	21	record.
22	when you were unclassified?	22	(Whereupon a discussion was
23	A No.	23	held off the record).
24	Q So you have Kevin Randall telling you	24	A I do find it strange. I don't find
25	to figure it out?	25	anything strange.
	Page 90		Page 92
1	Page 90 A Yes.	1	
1 2		1 2	
	A Yes.		Q During your entire employment at
2	A Yes. B. FINKELSTEIN	2	Q During your entire employment at B. FINKELSTEIN
2	A Yes.B. FINKELSTEINQ And you asked John Wilkinson what you	2 3	Q During your entire employment at B. FINKELSTEIN Southern Wine and Spirits had you heard of any
2 3 4	A Yes. B. FINKELSTEIN Q And you asked John Wilkinson what you are supposed to do, and he said I don't know?	2 3 4	Q During your entire employment at B. FINKELSTEIN Southern Wine and Spirits had you heard of any other discrimination lawsuit against Southern
2 3 4 5	A Yes. B. FINKELSTEIN Q And you asked John Wilkinson what you are supposed to do, and he said I don't know? A Right.	2 3 4 5	Q During your entire employment at B. FINKELSTEIN Southern Wine and Spirits had you heard of any other discrimination lawsuit against Southern other than the one filed by Josienne Sajous and
2 3 4 5 6	A Yes. B. FINKELSTEIN Q And you asked John Wilkinson what you are supposed to do, and he said I don't know? A Right. Q And did you receive any other guidance	2 3 4 5 6	Q During your entire employment at B. FINKELSTEIN Southern Wine and Spirits had you heard of any other discrimination lawsuit against Southern other than the one filed by Josienne Sajous and the one filed by Ena Scott?
2 3 4 5 6 7	A Yes. B. FINKELSTEIN Q And you asked John Wilkinson what you are supposed to do, and he said I don't know? A Right. Q And did you receive any other guidance or direction on what you were supposed to be doing	2 3 4 5 6 7	Q During your entire employment at B. FINKELSTEIN Southern Wine and Spirits had you heard of any other discrimination lawsuit against Southern other than the one filed by Josienne Sajous and the one filed by Ena Scott? A I didn't know either of them were
2 3 4 5 6 7 8	A Yes. B. FINKELSTEIN Q And you asked John Wilkinson what you are supposed to do, and he said I don't know? A Right. Q And did you receive any other guidance or direction on what you were supposed to be doing when you worked without a classification?	2 3 4 5 6 7 8	Q During your entire employment at B. FINKELSTEIN Southern Wine and Spirits had you heard of any other discrimination lawsuit against Southern other than the one filed by Josienne Sajous and the one filed by Ena Scott? A I didn't know either of them were discriminated against so the answer is no, but I
2 3 4 5 6 7 8	A Yes. B. FINKELSTEIN Q And you asked John Wilkinson what you are supposed to do, and he said I don't know? A Right. Q And did you receive any other guidance or direction on what you were supposed to be doing when you worked without a classification? A No.	2 3 4 5 6 7 8	Q During your entire employment at B. FINKELSTEIN Southern Wine and Spirits had you heard of any other discrimination lawsuit against Southern other than the one filed by Josienne Sajous and the one filed by Ena Scott? A I didn't know either of them were discriminated against so the answer is no, but I didn't even know that they were based on
2 3 4 5 6 7 8 9	A Yes. B. FINKELSTEIN Q And you asked John Wilkinson what you are supposed to do, and he said I don't know? A Right. Q And did you receive any other guidance or direction on what you were supposed to be doing when you worked without a classification? A No. Q Did anyone tell you why you were not	2 3 4 5 6 7 8 9	Q During your entire employment at B. FINKELSTEIN Southern Wine and Spirits had you heard of any other discrimination lawsuit against Southern other than the one filed by Josienne Sajous and the one filed by Ena Scott? A I didn't know either of them were discriminated against so the answer is no, but I didn't even know that they were based on discrimination.
2 3 4 5 6 7 8 9 10	A Yes. B. FINKELSTEIN Q And you asked John Wilkinson what you are supposed to do, and he said I don't know? A Right. Q And did you receive any other guidance or direction on what you were supposed to be doing when you worked without a classification? A No. Q Did anyone tell you why you were not being terminated?	2 3 4 5 6 7 8 9 10	Q During your entire employment at B. FINKELSTEIN Southern Wine and Spirits had you heard of any other discrimination lawsuit against Southern other than the one filed by Josienne Sajous and the one filed by Ena Scott? A I didn't know either of them were discriminated against so the answer is no, but I didn't even know that they were based on discrimination. Q Do you know what their lawsuits were
2 3 4 5 6 7 8 9 10 11	A Yes. B. FINKELSTEIN Q And you asked John Wilkinson what you are supposed to do, and he said I don't know? A Right. Q And did you receive any other guidance or direction on what you were supposed to be doing when you worked without a classification? A No. Q Did anyone tell you why you were not being terminated? A No.	2 3 4 5 6 7 8 9 10 11	Q During your entire employment at B. FINKELSTEIN Southern Wine and Spirits had you heard of any other discrimination lawsuit against Southern other than the one filed by Josienne Sajous and the one filed by Ena Scott? A I didn't know either of them were discriminated against so the answer is no, but I didn't even know that they were based on discrimination. Q Do you know what their lawsuits were about?
2 3 4 5 6 7 8 9 10 11 12 13	A Yes. B. FINKELSTEIN Q And you asked John Wilkinson what you are supposed to do, and he said I don't know? A Right. Q And did you receive any other guidance or direction on what you were supposed to be doing when you worked without a classification? A No. Q Did anyone tell you why you were not being terminated? A No. Q Did you wonder why you weren't being	2 3 4 5 6 7 8 9 10 11 12	Q During your entire employment at B. FINKELSTEIN Southern Wine and Spirits had you heard of any other discrimination lawsuit against Southern other than the one filed by Josienne Sajous and the one filed by Ena Scott? A I didn't know either of them were discriminated against so the answer is no, but I didn't even know that they were based on discrimination. Q Do you know what their lawsuits were about? A Josienne I had no idea. And Ena, I thought it was about her title. I thought it was a title salary thing.
2 3 4 5 6 7 8 9 10 11 12 13 14	A Yes. B. FINKELSTEIN Q And you asked John Wilkinson what you are supposed to do, and he said I don't know? A Right. Q And did you receive any other guidance or direction on what you were supposed to be doing when you worked without a classification? A No. Q Did anyone tell you why you were not being terminated? A No. Q Did you wonder why you weren't being terminated?	2 3 4 5 6 7 8 9 10 11 12 13	Q During your entire employment at B. FINKELSTEIN Southern Wine and Spirits had you heard of any other discrimination lawsuit against Southern other than the one filed by Josienne Sajous and the one filed by Ena Scott? A I didn't know either of them were discriminated against so the answer is no, but I didn't even know that they were based on discrimination. Q Do you know what their lawsuits were about? A Josienne I had no idea. And Ena, I thought it was about her title. I thought it was
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A Yes. B. FINKELSTEIN Q And you asked John Wilkinson what you are supposed to do, and he said I don't know? A Right. Q And did you receive any other guidance or direction on what you were supposed to be doing when you worked without a classification? A No. Q Did anyone tell you why you were not being terminated? A No. Q Did you wonder why you weren't being terminated? A Not really.	2 3 4 5 6 7 8 9 10 11 12 13 14	Q During your entire employment at B. FINKELSTEIN Southern Wine and Spirits had you heard of any other discrimination lawsuit against Southern other than the one filed by Josienne Sajous and the one filed by Ena Scott? A I didn't know either of them were discriminated against so the answer is no, but I didn't even know that they were based on discrimination. Q Do you know what their lawsuits were about? A Josienne I had no idea. And Ena, I thought it was about her title. I thought it was a title salary thing.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A Yes. B. FINKELSTEIN Q And you asked John Wilkinson what you are supposed to do, and he said I don't know? A Right. Q And did you receive any other guidance or direction on what you were supposed to be doing when you worked without a classification? A No. Q Did anyone tell you why you were not being terminated? A No. Q Did you wonder why you weren't being terminated? A Not really. Q Do you have any opinion or belief as	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q During your entire employment at B. FINKELSTEIN Southern Wine and Spirits had you heard of any other discrimination lawsuit against Southern other than the one filed by Josienne Sajous and the one filed by Ena Scott? A I didn't know either of them were discriminated against so the answer is no, but I didn't even know that they were based on discrimination. Q Do you know what their lawsuits were about? A Josienne I had no idea. And Ena, I thought it was about her title. I thought it was a title salary thing. Q Did you learn about Ena's lawsuit from
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A Yes. B. FINKELSTEIN Q And you asked John Wilkinson what you are supposed to do, and he said I don't know? A Right. Q And did you receive any other guidance or direction on what you were supposed to be doing when you worked without a classification? A No. Q Did anyone tell you why you were not being terminated? A No. Q Did you wonder why you weren't being terminated? A Not really. Q Do you have any opinion or belief as to why you wasn't terminated if somebody was hired	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q During your entire employment at B. FINKELSTEIN Southern Wine and Spirits had you heard of any other discrimination lawsuit against Southern other than the one filed by Josienne Sajous and the one filed by Ena Scott? A I didn't know either of them were discriminated against so the answer is no, but I didn't even know that they were based on discrimination. Q Do you know what their lawsuits were about? A Josienne I had no idea. And Ena, I thought it was about her title. I thought it was a title salary thing. Q Did you learn about Ena's lawsuit from anyone else?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Yes. B. FINKELSTEIN Q And you asked John Wilkinson what you are supposed to do, and he said I don't know? A Right. Q And did you receive any other guidance or direction on what you were supposed to be doing when you worked without a classification? A No. Q Did anyone tell you why you were not being terminated? A No. Q Did you wonder why you weren't being terminated? A Not really. Q Do you have any opinion or belief as to why you wasn't terminated if somebody was hired to do your job?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q During your entire employment at B. FINKELSTEIN Southern Wine and Spirits had you heard of any other discrimination lawsuit against Southern other than the one filed by Josienne Sajous and the one filed by Ena Scott? A I didn't know either of them were discriminated against so the answer is no, but I didn't even know that they were based on discrimination. Q Do you know what their lawsuits were about? A Josienne I had no idea. And Ena, I thought it was about her title. I thought it was a title salary thing. Q Did you learn about Ena's lawsuit from anyone else? A No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Yes. B. FINKELSTEIN Q And you asked John Wilkinson what you are supposed to do, and he said I don't know? A Right. Q And did you receive any other guidance or direction on what you were supposed to be doing when you worked without a classification? A No. Q Did anyone tell you why you were not being terminated? A No. Q Did you wonder why you weren't being terminated? A Not really. Q Do you have any opinion or belief as to why you wasn't terminated if somebody was hired to do your job? A Yes. I think that they knew I	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q During your entire employment at B. FINKELSTEIN Southern Wine and Spirits had you heard of any other discrimination lawsuit against Southern other than the one filed by Josienne Sajous and the one filed by Ena Scott? A I didn't know either of them were discriminated against so the answer is no, but I didn't even know that they were based on discrimination. Q Do you know what their lawsuits were about? A Josienne I had no idea. And Ena, I thought it was about her title. I thought it was a title salary thing. Q Did you learn about Ena's lawsuit from anyone else? A No. Q Did you ever ask anyone what Ena's
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A Yes. B. FINKELSTEIN Q And you asked John Wilkinson what you are supposed to do, and he said I don't know? A Right. Q And did you receive any other guidance or direction on what you were supposed to be doing when you worked without a classification? A No. Q Did anyone tell you why you were not being terminated? A No. Q Did you wonder why you weren't being terminated? A Not really. Q Do you have any opinion or belief as to why you wasn't terminated if somebody was hired to do your job? A Yes. I think that they knew I think that even maybe Kevin knew like there was	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q During your entire employment at B. FINKELSTEIN Southern Wine and Spirits had you heard of any other discrimination lawsuit against Southern other than the one filed by Josienne Sajous and the one filed by Ena Scott? A I didn't know either of them were discriminated against so the answer is no, but I didn't even know that they were based on discrimination. Q Do you know what their lawsuits were about? A Josienne I had no idea. And Ena, I thought it was about her title. I thought it was a title salary thing. Q Did you learn about Ena's lawsuit from anyone else? A No. Q Did you ever ask anyone what Ena's lawsuit was about other than your attorney?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Yes. B. FINKELSTEIN Q And you asked John Wilkinson what you are supposed to do, and he said I don't know? A Right. Q And did you receive any other guidance or direction on what you were supposed to be doing when you worked without a classification? A No. Q Did anyone tell you why you were not being terminated? A No. Q Did you wonder why you weren't being terminated? A Not really. Q Do you have any opinion or belief as to why you wasn't terminated if somebody was hired to do your job? A Yes. I think that they knew I think that even maybe Kevin knew like there was some value. I think he was maybe not sure of his	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q During your entire employment at B. FINKELSTEIN Southern Wine and Spirits had you heard of any other discrimination lawsuit against Southern other than the one filed by Josienne Sajous and the one filed by Ena Scott? A I didn't know either of them were discriminated against so the answer is no, but I didn't even know that they were based on discrimination. Q Do you know what their lawsuits were about? A Josienne I had no idea. And Ena, I thought it was about her title. I thought it was a title salary thing. Q Did you learn about Ena's lawsuit from anyone else? A No. Q Did you ever ask anyone what Ena's lawsuit was about other than your attorney? A No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Yes. B. FINKELSTEIN Q And you asked John Wilkinson what you are supposed to do, and he said I don't know? A Right. Q And did you receive any other guidance or direction on what you were supposed to be doing when you worked without a classification? A No. Q Did anyone tell you why you were not being terminated? A No. Q Did you wonder why you weren't being terminated? A Not really. Q Do you have any opinion or belief as to why you wasn't terminated if somebody was hired to do your job? A Yes. I think that they knew I think that even maybe Kevin knew like there was some value. I think he was maybe not sure of his decision. I think he just didn't want to lose	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q During your entire employment at B. FINKELSTEIN Southern Wine and Spirits had you heard of any other discrimination lawsuit against Southern other than the one filed by Josienne Sajous and the one filed by Ena Scott? A I didn't know either of them were discriminated against so the answer is no, but I didn't even know that they were based on discrimination. Q Do you know what their lawsuits were about? A Josienne I had no idea. And Ena, I thought it was about her title. I thought it was a title salary thing. Q Did you learn about Ena's lawsuit from anyone else? A No. Q Did you ever ask anyone what Ena's lawsuit was about other than your attorney? A No. MR. MOSER: Thank you. I have no
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Yes. B. FINKELSTEIN Q And you asked John Wilkinson what you are supposed to do, and he said I don't know? A Right. Q And did you receive any other guidance or direction on what you were supposed to be doing when you worked without a classification? A No. Q Did anyone tell you why you were not being terminated? A No. Q Did you wonder why you weren't being terminated? A Not really. Q Do you have any opinion or belief as to why you wasn't terminated if somebody was hired to do your job? A Yes. I think that they knew I think that even maybe Kevin knew like there was some value. I think he was maybe not sure of his decision. I think he just didn't want to lose me.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q During your entire employment at B. FINKELSTEIN Southern Wine and Spirits had you heard of any other discrimination lawsuit against Southern other than the one filed by Josienne Sajous and the one filed by Ena Scott? A I didn't know either of them were discriminated against so the answer is no, but I didn't even know that they were based on discrimination. Q Do you know what their lawsuits were about? A Josienne I had no idea. And Ena, I thought it was about her title. I thought it was a title salary thing. Q Did you learn about Ena's lawsuit from anyone else? A No. Q Did you ever ask anyone what Ena's lawsuit was about other than your attorney? A No. MR. MOSER: Thank you. I have no further questions.

Page 93 Page 95 1 **EXAMINATION BY** 1 questions. 2 2 B. FINKELSTEIN B. FINKELSTEIN 3 MS. CABRERA: 3 CONTINUED EXAMINATION 4 Q Can you explain to us what you meant 4 BY MR. MOSER: 5 when you said earlier that Maria was not hitting 5 Q Did Maria have an RF scanner? 6 the floor in connection with her job duties? 6 Α I am sure she did. 7 7 If Maria counted product with her RF A Well, to double check or, you know, to 8 do some of the work involved in that position you 8 scanner would that be reflected in Southern's 9 have to occasionally go into the warehouse and 9 inventory system? 10 check things physically yourself, and that's 10 A It should. something that she did not do. Would she be able to count product 11 11 Q 12 Q How do you know she didn't do that? 12 without being on the floor? 13 A I saw it, and then often I would end 13 14 up going out on the floor to check. 14 And do you know how many locations 15 Maria counted, again if was the inventory control 15 Q You also said that the cycle counters 16 told you that they were doing the same counts 16 manager after WMI was implemented? I will 17 17 every day? withdraw that question. Do you know how many 18 A Right. 18 locations Maria was counting on the floor after 19 Do you recall that? 19 WMI was implemented? Q 20 Mm-hmm. 20 A Do I know how many? No, I don't. 21 Is there any correlation between the 21 Q Did you ever follow her for a day? cycle counters telling you that they are counting 22 22 Α 23 the same counts every day and the fact that Maria 23 Q How large is the warehouse? 24 was not hitting the floor? 24 A A few hundred thousand square feet. 25 A Yes. 25 And that's just a warehouse activity, Page 94 Page 96 1 What is the correlation between those 1 correct? B. FINKELSTEIN B. FINKELSTEIN 2 2 3 3 two? Yes. 4 A Well, whoever is leading that 4 So your belief is that Maria was not 5 department hits floor. They will either resolve 5 on the floor was based upon you not seeing her on 6 the issue, or there is another thing that we do in 6 the floor or something else? 7 the warehouse. It is inventory research. So if 7 A It is based upon that it was based on 8 8 we are missing product we put product into this my director telling me I can't get her out of her 9 like temporary hold position, and then hoping it 9 office so he would then vent to me ever once in a 10 is going to -- it is a big warehouse that it shows 10 while. 11 up two days later. Someone finds it. So if you 11 Who was your director? 12 don't hit the floor the only option that you have 12 A John Wilkinson. 13 is to just keep putting the same cycle counter 13 Q Other than John Wilkinson telling you 14 every day for the same item. that and you not seeing her on the floor is there 14 15 15 And what it invariably does, when I started any other reason why you believe that she was not 16 to do some of that work I would actually grab my 16 on the floor? 17 cycle counters and said don't get crazy. I had to 17 A Not offhand, no. 18 put Tito's back into a cycle counter. I know you 18 Q Do you have any personal knowledge as 19 counted it for the last two days. I hope it is 19 to how many locations Maria counted after WMI was 20 going to show up, but that was happening like --20 implemented on a daily basis? 21 constantly. I get it. It is frustrating for the 21 22 counters because they feel like they are not 22 Do you know if it was more or less 23 making progress. They are counting the same 23 than 100 locations? 24 locations every day. More or less than what? 24 25 MS. CABRERA: I have no further 25 Than 100 locations?

1	Page 97		Page 99
1	A A day?	1	Q Can you give me an approximation of
2	B. FINKELSTEIN	2	B. FINKELSTEIN
3	Q Yes.	3	when that was?
4	A I would say less.	4	MS. CABRERA: Objection. So now you
5	Q How do you know that?	5	are going beyond my
6	A I am just based on how often I saw	6	MR. MOSER: I am allowed to unless I
7	her on the floor.	7	close the deposition.
8	Q In terms of the warehouse itself how	8	MS. CABRERA: You did. You said you
9	many different aisles are there?	9	were done. You had no further questions.
10	A How many aisles? There has to be 100	10	You are permitted to ask him whatver you
11	in that area.	11	want to follow up to my questions, but you
12	Q Is each aisle the same length?	12	cannot go back and start asking questions
13	A Generally with some exceptions.	13	beyond these questions absolutely not, no.
14	Q And generally what is the length of	14	MR. MOSER: You are instructing him
15	the aisles?	15	not to answer?
16	A Oh, my God. I have no idea. Maybe 80	16	MS. CABRERA: I am telling him not to
17	yards. Some are much longer.	17	answer the question.
18	Q On average would you say they are	18	MR. MOSER: Okay.
19	approximately 80 yards?	19	MS. CABRERA: You are not answering
20	A If I had to guess. I am really not	20	that question.
21	good at that.	21	THE WITNESS: I am with you.
22	Q How much time did Ena Scott spend on	22	MR. MOSER: We will do it the hard
23	the warehouse floor the after WMI was implemented?	23	way. We will be here all day.
24	A On an average eight hour day?	24	MS. CABRERA: No, we are not. We will
25	Q Yes.	25	leave. We can call the judge. You are
1	Page 98 A I would say six to seven.	1	Page 100 limited to ask him questions with regard to
2	B. FINKELSTEIN	2	B. FINKELSTEIN
3	Q How many times did you see Maria in	3	what I asked. If you are going to go
4	her office?	4	beyond that let's get on the phone because
5	A I didn't see her in her office, her	5	we are not going to be here all day.
6	back office when she was in the back office often	6	Q Do you remember when Maria was
7	because I stopped going back there after I had a	7	brought to the warehouse floor?
8	couple of experiences. And then she was moved	8	A No.
9	to the blue room office which is an office like in	9	Q To the blue room?
10	the warehouse, and she was there always.	10	A I don't.
11	Q So she was always in the blue room?	11	Q When Maria went to the blue room did
12	A Always in the blue room.	12	you ever see her in her office?
13	Q Never left the blue room?	13	A A few times.
14	A Very, very, very rarely saw her not in	14	Q Two or three?
15	the blue room.	15	A Yes. Then I stopped going.
16	Q So every time that you were in the	16	Q In total?
17	blue room she was in the blue room as well?	17	A Yes. Two or three yes. I would say
18	A The blue room is surrounded in glass.	18	so. Not often. I didn't go back there.
19	It is like a fishbowl sort of, so it is right in	19	Q Okay. So when Maria had her office
20	the front of the warehouse so every time I hit the	20	before she was moved to the blue room you know she
21	warehouse, which is often, yes, she would be there.	22	wasn't on the floor because you didn't see her on the floor, correct?
・・・ソウ			
22	O So can you give me an enprovimetion?		
23	Q So can you give me an approximation?	23	A Before she went to the blue room? O Ves
	Q So can you give me an approximation? I know we mentioned Maria yelling, right? A (Nodding).	24 25	Q Yes. A That would be correct.

Page 101	Page 103
1 Q And because John Wilkinson told you he 1	-
	KELSTEIN
3 can't get her out of her office?	
o can't get her out of her office.	RTIFICATION
5 Q How many hours per day was she 4	
6 spending on the floor after WMI was implemented?	
spending on the noof after with was implemented:	Yuni, a Shorthand Reporter
	blic in and for the State of New
0 Variable hand	
questions.	stimony of said witness was
10 haldbafana m	e at the aforesaid time and place.
11 That said w	vitness was duly sworn before the
12 commencement	nt of the testimony and that the
13 testimony was	taken stenographically by me and
BARRY FINKELSTEIN 14 is a true and a	ccurate transcript of my
15 15 stenographic r	notes.
16 Subscribed and sworn to before me 16 I further ce	rtify that I am not related
17 This day of, 2022.	arties to the action by blood
18 or marriage an	d that I am in no way
19 19 interested in the	ne outcome of this Matter.
	SS WHEREOF, I have hereunto set my
	lay of November 2022.
22	Ken .
23	Davie P. Juni
24 24	David P. Yuni
25 25	
3	
23	, 20